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सं० 1 | नई दिल्ली, जनवरी 1—जनवरी 7, 2006, शनिवार/पौष 11—पौष 17, 1927
No. 1 | NEW DELHI, JANUARY 1—JANUARY 7, 2006, SATURDAY/PAUSA 11—PAUSA 17, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 27 दिसम्बर, 2005

का. आ. 1.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिकारियों को विचारण न्यायालय में उन्हें केन्द्रीय अन्वेषण ब्यूरो द्वारा सौंपे गए दिल्ली विशेष पुलिस स्थापना (के.अ. ब्यूरो) द्वारा उड़ीसा राज्य में भुवनेश्वर में संस्थित मामलों के अभियोजन और विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :

सर्वश्री :

1. आर्य कुमार ज्ञानेन्द्र
2. बिजान कुमार शर्मा

[फा. सं. 225/37/2005-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL,
PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 27th December, 2005

S.O. 1.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutor for conducting the prosecution of cases instituted by the Delhi Special Police Establishment (CBI) in the State of Orissa at Bhubaneswar as entrusted to them by the Central Bureau of Investigation in the trial Courts, and appeals/revisions or other matter arising out of these cases in revisional or appellate Courts established by law :

S/Sh.

- (i) Arya Kumar Jnanendra
- (ii) Bigyan Kumar Sharma

[F. No. 225/37/2005-AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 23 नवम्बर, 2005

का. आ. 2.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उपर्युक्त अधिनियम की धारा 10ख की उप-धारा (9) के उपबंध, उस सीमा तक जब तक कि वे चार महीने से अधिक की अवधि के लिए प्रबंध निदेशक एवं कार्यपालक अधिकारी का कार्य करने के लिए किसी व्यक्ति को नियुक्त करने से बैंक को रोकते हैं, 19 अक्टूबर, 2005 से 18 जनवरी, 2006 तक अथवा दी लॉर्ड कृष्णा बैंक लिमिटेड में नियमित प्रबंध निदेशक एवं मुख्य कार्यपालक अधिकारी की नियुक्ति होने तक, जो भी पहले हो, उक्त बैंक पर लागू नहीं होंगे।

[फा.सं. 15/13/2004-बीओए]

डी. पी. भारद्वाज, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 23rd November, 2005

S.O. 2.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declare that the provision of Sub-section (9) of Section 10B of the said Act shall not, to the extent they preclude the bank from appointing a person to carry out the duties of the Managing Director and Chief Executive Officer beyond a period exceeding four months, apply to the Lord Krishna Bank Ltd. from October 19, 2005 to January 18, 2006 or till the appointment of a regular Managing Director and Chief Executive Officer for that bank, whichever is earlier.

[F. No. 15/13/2004-BOA]

D. P. BHARDWAJ, Under Secy.

नई दिल्ली, 23 नवम्बर, 2005

का. आ. 3.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उपर्युक्त अधिनियम की धारा 10ख की उप-धारा (1) और (2) के उपबंध, 19 अक्टूबर, 2005 से 18 जनवरी, 2006 तक तीन महीने की अवधि के लिए अथवा दी लॉर्ड कृष्णा बैंक लिमिटेड में नियमित प्रबंध निदेशक एवं मुख्य कार्यपालक अधिकारी की नियुक्ति होने तक, जो भी पहले हो, उक्त बैंक पर लागू नहीं होंगे।

[फा.सं. 15/13/2004-बीओए]

डी. पी. भारद्वाज, अवर सचिव

New Delhi, the 23rd November, 2005

S.O. 3.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declare that the provision of Sub-section (1) and (2) of Section 10B of the said Act shall not apply to the Lord Krishna Bank Ltd. for a period of three months from October 19, 2005 to January 18, 2006 or till the appointment of a regular Managing Director and Chief Executive Officer for that bank, whichever is earlier.

[F. No. 15/13/2004-BOA]

D. P. BHARDWAJ, Under Secy.

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 29 दिसम्बर, 2005

(आयकर)

का. आ. 4.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (जिसे यहाँ आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से प्रारंभ होकर 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) में भारत सरकार की अधिसूचना सं. का.आ. 193(अ) दिनांक 30 मार्च, 1999 तथा 1 अप्रैल, 1997 से प्रारम्भ होकर 31 मार्च, 2006 को समाप्त होने वाली अवधि के लिए अधिसूचना सं. का.आ. 354(अ) दिनांक 1 अप्रैल, 2002 द्वारा औद्योगिक पार्क के लिए एक स्कीम निर्मित और अधिसूचित की है।

और जबकि मैसर्स वानेनबर्ग आई टी पार्क प्राइवेट लिमिटेड, जिसका पंजीकृत कार्यालय भूखंड सं. 17, सॉफ्टवेयर यूनिट्स लेआउट, माधापुर, हैदराबाद-500 033 में है, ने दिसंबर, 1999 से औद्योगिक पार्क का विकास किया है और उसका रख-रखाव और प्रचालन कर रहा है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित नियम और शर्तों के अधधीन उपर्युक्त औद्योगिक पार्क को अनुमोदित किया है;

अतः अब उपर्युक्त अधिनियम की धारा 80झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वानेनबर्ग आई टी पार्क प्राइवेट लिमिटेड, हैदराबाद द्वारा विकसित और अनुरक्षित और प्रचालित किए जा रहे उपक्रम को केन्द्र सरकार एतद्वारा उपर्युक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में अधिसूचित करती है।

अनुबंध

वे नियम व शर्तें जिन पर मैसर्स वानेनबर्ग आई टी पार्क प्राइवेट लिमिटेड द्वारा औद्योगिक पार्क की स्थापना के लिए केन्द्र सरकार का अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : मैसर्स वानेनबर्ग आई टी पार्क प्राइवेट लिमिटेड
- (ii) प्रस्तावित स्थान : पता : भूखंड सं. 17, सॉफ्ट वेयर यूनिट्स लेआउट, माधापुर, हैदराबाद
जिला: हैदराबाद
राज्य : आन्ध्र प्रदेश
पिन कोड-500 033
दूरभाष: 91403110156/157
फैक्स नं. 91403540039
- (iii) प्रस्तावित व्यक्तियों का विवरण 20% से अधिक नीदरलैंड धृति 100% इक्विटी की धृति के लिए स्कीम में निवेश (पूर्व नाम-बान फेसिलिटीज बी वी नीदरलैंड)
- (iv) प्रस्तावित इक्विटी निवेश की प्रतिशतता 100%
- (v) औद्योगिक पार्क का कुल क्षेत्रफल 19.39 एकड़
- (vi) प्रस्तावित क्रियाकलाप

राष्ट्रीय सूचना विज्ञान केन्द्र कोड सहित औद्योगिक कार्यकलाप का स्वरूप

राष्ट्रीय सूचना विज्ञान केन्द्र कोड					विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी	
क	8	89	892	892.1	सॉफ्टवेयर परामर्श सेवाएं
ख	8	89	892	892.2	सॉफ्टवेयर संभरण सेवाएं

- (vii) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत : 100%
- (viii) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : शून्य

- (ix) औद्योगिक यूनिटों की न्यूनतम संख्या : 4 यूनिट (चरण I तथा II प्रत्येक में 2 यूनिटें)
- (x) प्रस्तावित कुल निवेश (राशि रुपयों में) : 11600 लाख
- (xi) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपयों में) : 5300 लाख
- (xii) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान का 54% पर निवेश भी शामिल है (राशि रुपयों में) : 6300 लाख अर्थात् उपर्युक्त निवेश (x) के अनुसार कुल निवेश का 54%
2. औद्योगिक प्रयोग के लिए आवंटित किये जाने वाले क्षेत्र की न्यूनतम प्रतिशतता कुल आबंटनीय क्षेत्र के 66% से कम नहीं होगी।
3. केन्द्रीय सांख्यिकी संगठन, सांख्यिकी विभाग, योजना तथा कार्यक्रम कार्यान्वयन मंत्रालय द्वारा जारी किए गए निम्नलिखित कोडों को छोड़कर राष्ट्रीय औद्योगिक वर्गीकरण, 1987 कोड में परिभाषित किसी कार्यकलाप में औद्योगिक उपयोग को शामिल किया जाएगा।
धारा 0
धारा 1
धारा 5
धारा 7 प्रभाग 75 को छोड़कर
धारा 8 ग्रुप 892, 893, 894, 895 को छोड़कर
धारा 9
धारा X
धारा XI
4. वाणिज्यिक उपयोग के लिए चिह्नित की जाने वाली भूमि की प्रतिशतता आबंटनीय क्षेत्र के 10 प्रतिशत से अधिक नहीं होगी।
5. औद्योगिक मॉडल टाउन, औद्योगिक पार्क तथा ग्रोथ सेंटर के मामले में अवसंरचना विकास पर न्यूनतम निवेश पूरी परियोजना लागत का 50% से कम नहीं होना चाहिए। किसी औद्योगिक पार्क और ग्रोथ सेंटर की परियोजना के मामले में जो औद्योगिक उपयोग के लिए निर्मित स्थान की व्यवस्था करती है, औद्योगिक स्थान के निर्माण की लागत सहित अवसंरचना विकास पर न्यूनतम व्यय कुल लागत के 60% से कम नहीं होना चाहिए।
6. अवसंरचना विकास में सड़कों (सम्पर्क मार्गों सहित) जल आपूर्ति और सीवरेज, सामान्य निस्सारी अभिक्रिया, विद्युत का उत्पादन एवं वितरण, वातानुकूलन और ऐसी अन्य सुविधाएं जो कि औद्योगिक कार्यकलाप के सामान्य उपयोग के लिए हैं और वाणिज्यिक शर्तों पर प्रदान की जाती हैं, शामिल होंगी।

7. दिनांक 1 अप्रैल, 2002 के संविधिक आदेश 354(अ) के पैरा 6 के उप पैरा (ख) में दी गई तालिका के स्तंभ 2 में उल्लिखित कोई भी इकाई औद्योगिक मॉडल टाउन अथवा औद्योगिक पार्क अथवा ग्रोथ सेंटर के आबंटनीय औद्योगिक क्षेत्र के पचास प्रतिशत से अधिक क्षेत्र पर कब्जा नहीं करेगी। इसके प्रयोजनार्थ एक इकाई का आशय एक और अधिक राज्य अथवा केन्द्रीय कर कानूनों के प्रयोजनार्थ किसी पृथक और भिन्न सत्ता से है।
8. विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा फिलहाल प्रभावी किसी कानून के अन्तर्गत विहित प्राधिकरण द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश सहित नीति और लागू प्रक्रिया के अनुसार आवश्यक अनुमोदन अलग-अलग लिए जाएंगे।
9. मैसर्स वानेनबर्ग आई टी पार्क प्राइवेट लिमिटेड, भूखंड संख्या 17, सॉफ्टवेयर यूनिट्स लेआउट, माधपुर, हैदराबाद उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिसमें आय कर अधिनियम, 1961 की धारा 80 झक की उपधारा (4) के खंड (iii) के अंतर्गत लाभों को प्राप्त किया जाना है।
10. यदि वानेनबर्ग आई टी पार्क प्रा. लि., हैदराबाद उपर्युक्त किसी भी शर्त का अनुपालन नहीं करता है तो केन्द्र सरकार उपर्युक्त अनुमोदन को वापिस ले सकती है।
11. केन्द्र सरकार के अनुमोदन के बिना परियोजना की रूपरेखा में कोई संशोधन करने अथवा आवेदक द्वारा किसी वस्तुगत तथ्य को प्रकट न करने पर भविष्य में पता लगने पर औद्योगिक पार्क का यह अनुमोदन निरस्त हो जाएगा।

[अधिसूचना सं 262/2005/फ.सं 178/48/2004-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 29th December, 2005

INCOME-TAX

S.O. 4.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of Sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) *vide* number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and *vide* number S.O. 354(E) dated the 1st day of April, 2002 for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And, whereas, M/s Vanenburg IT Park Private Limited having its registered office at Plot No. 17, Software Units Layout, Madhapur, Hyderabad-500 033, has started

developing, maintaining and operating an industrial park with effect from the 1st December, 1999;

And, whereas, the Central Government has approved the said Industrial Park subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of Sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, developed and being maintained and operated by M/s Vanenburg IT Park Private Limited, Hyderabad, as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Vanenburg IT park Private Limited.

- I. (i) Name of the Industrial Undertaking : M/s. Vanenburg IT Park Private Limited
- (ii) Proposed location : Address : Plot No. 17, Software units Layout, Madhapur, Hyderabad.
District : Hyderabad
State : Andhra Pradesh
Pin Code : 500 033
Tel No. : 91403110156/157
Fax No. : 91403540039
- (iii) Particulars of persons proposed Investment in the scheme for holding more than 20% equity : Vanenburg Facilities BV Netherland holding 100% equity (previous name- Baan Facilities B.V. Netherland)
- (iv) Percentage of proposed equity investment : 100%
- (v) Total area of Industrial Park : 19.39 Acres
- (vi) Proposed activities

Nature of Industrial activity with NIC Code

NIC Code					Description
S.No.	Section	Division	Group	Class	
A	8	89	892	892.1	Software Consultancy Services
B	8	89	892	892.2	Software Supply Services

- (vii) Percentage of allocable area proposed for industrial use : 100%

- (viii) Percentage of land earmarked for commercial use : Nil

- (ix) Minimum number of industrial units : 4 Units (2 units each in phase I and II)
- (x) Total investments proposed (Amount in Rupees) : 11600 lakhs
- (xi) Investment on built up space for Industrial use (Amount in Rupees). : 5300 lakhs
- (xii) Investment on Infrastructure Development total investment as per including investment on built up space for industrial use (Amount in Rupees) (x) above. : 6300 lakhs, i.e. 54% of the total investment as per (x) above.
2. The minimum percentage of the area to be allocated for industrial use shall not be less than sixty-six percent of the total allocable area.
3. Industrial use shall include any activity defined in the National Industrial Classification 1987 code issued by the Central Statistical Organisation, Department of Statistics, Ministry of Planning and Programme Implementation, except the following codes :
- Section 0
- Section 1
- Section 5
- Section 7 excluding Division 75
- Section 8 excluding Groups 892, 893, 894, 895
- Section 9
- Section X
- Section XI
4. The percentage of land to be earmarked for commercial use shall not be more than ten percent of the allocable area.
5. In case of an Industrial Model Town, Industrial Park and Growth Centre, the minimum investment on infrastructure development shall not be less than 50% of the total project cost. In the case of an Industrial Park and Growth Centre which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.
6. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, airconditioning and such other facilities as

are for common use for industrial activity which are identifiable and are provided on commercial terms.

7. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Model Town or Industrial Park or Growth Centre. For this purpose a unit means any separate and distinct entity for the purpose of one and more state or Central tax laws.
8. Necessary approvals including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.
9. M/s. Vanenburg IT Park Pvt. Limited, Plot No. 17, Software Units Layout, Madhapur, Hyderabad, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of section 80 IA of the Income-tax Act, 1961 are to be availed.
10. The Central Government may withdraw the above approval in case the M/s. Vanenburg IT Park Pvt. Limited, Hyderabad fail to comply with any of the conditions in the grant of approval.
11. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 262/2005/F. No. 178/48/2004-ITA-I]

DEEPAK GARG, Under Secy.

(सीमा शुल्क आयुक्त का कार्यालय)

तिरुच्चि, 15 दिसम्बर, 2005

सं. 05/2005 (गै.टा)

[सीमा शुल्क अधिनियम की धारा 8(ख) के अधीन जारी]

विषय : तमिलनाडु राज्य के श्रीपेरुमुपुदूर में नोकिया दूर संचार वि आ सं के सीमा शुल्क क्षेत्र की सीमाओं को आयातित माल के उतारण तथा निर्यातित माल के लदान के प्रयोजनार्थ घोषणा।

संदर्भ : (i) सीमा शुल्क अधिनियम की धारा 76 'क' के अधीन नोकिया दूर संचार वि आ अंचल को अधिसूचित करने वाली राजस्व विभाग की अधिसूचना सं. 107/2005-सी शु (गै.टा) दिनांक 7-12-2005

(ii) राजस्व विभाग परिपत्र सं. 68/2003-सी.शु. दिनांक 30-7-2003 का पैरा 15.

का. आ. 5.—सीमा शुल्क अधिनियम (1962 का 52) की धारा 8(ख), भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली

के परिपत्र सं. 68/2003-सी शु के साथ पठित, के अधीन मुझमें प्रदत्त शक्तियों का प्रयोग करते हुए मैं, पी. सुन्दरराजू, सीमा शुल्क आयुक्त, तिरुच्चिरापल्लि इसके द्वारा तालुक श्रीपेरुमपुदूर, कांचीपुरम राजस्व जिला, तमिलनाडु के पोन्दूर 'सी' एवं श्रीपेरुमपुदूर 'सी' की गाँव सीमाओं में निम्नलिखित संख्या तथा माप वाले जमीन को समाविष्ट करने वाले गाँव श्रीपेरुमपुदूर स्थित 85:375 हेक्टेर के नोकिया दूर संचार वि आ अं को आयातित माल के उतारण तथा निर्यात माल के लदान के सीमित प्रयोजनार्थ सीमा शुल्क क्षेत्र घोषित करता हूँ।

पोन्दूर 'सी' गाँव

सर्वे सं.	विस्तार (हेक्टरों में)
1	2
289/2	4.96.0
290/2	1.34.5
291/2	0.18.5
292/2	1.02.0
293/2	1.04.5
294	1.95.5
295	0.69.0
296	1.44.0
297	0.94.0
298	1.03.0
299/1	1.00.5
300/A	1.25.5
301	1.19.5
281	1.13.5
282	0.99.5
283	1.12.0
284	0.73.0
285	1.32.5
286	1.15.5
287	2.67.0
531	2.87.5
532	3.45.0
533/1	2.61.5
533/2	2.29.5
534	3.08.5
535	3.19.5
536	3.17.0
537/1	0.30.5
537/2	3.42.0
289/1	0.07/5
290/1	0.05.5

1	2
291/1	0.01.0
292/1	0.05.0
293/1	0.02.5
299/2	0.09.0
533/3	0.14.0
280	0.28.5
288	0.39.5

श्री पेरुमपुदूर 'सी' गाँव

1530 pt	0.56.5
1531 p	3.12.0
1532	0.43.5
1533	1.73.5
1534	0.17.5
1535	0.73.5
1560	1.07.5
1562A/1A pt	1.47.0
1536/1	5.53.0
1537	2.92.0
1538	3.09.0
1540/1B pt	3.20.5
1539	3.03.5
1520 pt	2.02.5
1542/2A	0.26.5
1543 pt	0.92.5
1545 pt	0.79.0
1546/2 pt	0.54.5
1519 pt	0.05.0
1521 pt	0.51.0
1536/7	0.07.5
1559/1	0.15.0
1541	0.22.0

संपूर्ण भूमि निम्नानुसार परिबद्ध है :

पूरब : श्री पेरुमपुदूर-सिंगपेरुमाल कोविल स्टेट हाईवे

पश्चिम : पुत्तरी लेक तथा एम आर एल पेट्रोल बंक

उत्तर : चेन्नै बेंगलूर नेशनल हाईवे सं.एन एच 4

दक्षिण : नली पोरमबोक

[फा. सी. सं. VIII/48/72/2005-सी शु नीति]

पी. सुन्दरराजू, आयुक्त

(OFFICE OF THE COMMISSIONER OF CUSTOMS)

Trichy, the 15th December, 2005

No. 05/2005 (N.T.)

[Issued under Section 8(b) of the Customs Act]

Subj: Declaration of Nokia Telecom SEZ at Sriperumbudur in the State of Tamil Nadu as a limits of Customs Area for the purpose of unloading of imported goods and loading -of exports goods.

Ref. (i) Department of Revenue Notification No. 107/2005-Cus. (NT) dated 07-12-2005 notifying the SEZ under Section 76A of Customs Act, which specifies the SEZ.

(ii) Para 15 of Department of Revenue Circular No. 68/2003-Customs dated 30-7-2003.

S.O. 5.—In exercise of the powers conferred on me under Section 8(b) of the Customs Act, 1962 (52 of 1962) read with Circular No. 68/2003-Customs of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I, P. SUNDARARAJU, Commissioner of Customs, Tiruchirapalli hereby declare Nokia Telecom SEZ measuring 85.375 hectares, located at Village Sriperumbudur within the village limit of Pondur 'C' and Sriperumbudur 'C' in Taluk Sriperumbudur, Kancheepuram Revenue District, Tamilnadu comprising of land bearing the following survey numbers and measurements as Customs area for the limited purpose of unloading of imported goods and loading of export goods.

Pondur-'C' Village :

Survey No.	Extent (in Hectares)
1	2
289/2	4.96.0
290/2	1.34.5
291/2	0.18.5
292/2	1.02.0
293/2	1.04.5
294	1.95.5
295	0.69.0
296	1.44.0
297	0.94.0
298	1.03.0
299/1	1.00.5
300/A	1.25.5
301	1.19.5
281	1.13.5
282	0.99.5
283	1.12.0
284	0.73.0
285	1.32.5
286	1.15.5

1	2
287	2.67.0
531	2.87.5
532	3.45.0
533/1	2.61.5
533/2	2.29.5
534	3.08.5
535	3.19.5
536	3.17.0
537/1	0.30.5
537/2	3.42.0
289/1	0.07.5
290/1	0.05.5
291/1	0.01.0
292/1	0.05.0
293/1	0.02.5
299/2	0.09.0
533/3	0.14.0
280	0.28.5
288	0.39.5
Sriperumbudur 'C' Village :	
1530 pt	0.56.5
1531 p	3.12.0
1532	0.43.5
1533	1.73.5
1534	0.17.5
1535	0.73.5
1560	1.07.5
1562A/1A pt	1.47.0
1536/1	5.53.0
1537	2.92.0
1538	3.09.0
1540/1B pt	3.20.5
1539	3.03.5
1520 pt	2.02.5

1	2	(2)	(3)
1542/2A	0.26.5	डाक्टर आफ मेडिसिन	एम.डी. (शरीर रचना विज्ञान)
1543 pt	0.92.5	(शरीर रचना विज्ञान)	
1545 pt	0.79.0		(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये नवम्बर, 2004 में अथवा उसके बाद प्रदान की गई हों)
1546/2 pt	0.54.5	डाक्टर आफ मेडिसिन	एम.डी. (शरीर क्रिया विज्ञान)
1519 pt	0.05.0	(शरीर क्रिया विज्ञान)	
1521 pt	0.51.0	डाक्टर आफ मेडिसिन	एम.डी. (विकिरण-निदान)
1536/7	0.07.5	(विकिरण-निदान)	
1559/1	0.15.0	डाक्टर आफ मेडिसिन	एम.डी. (भेषज विज्ञान)
1541	0.22.0	(भेषज विज्ञान)	

The entire land is bounded as under :—

East : Sriperumbudur—Singaperumal Koil State Highway.

West : Putteri Lake and MRL Petrol Bunk

North : Chennai Bangalore National Highway No. NH 4

South : Canal Poramboke.

[F. C. No. VIII/48/72/2005-Cus. Pol.]

P. SUNDARARAAJU, Commissioner

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 23 नवम्बर, 2005

का.आ. 6.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात्

उक्त अधिसूचना में "एच एन बी गढ़वाल विश्वविद्यालय" के सामने, कालम (2) में, अंतिम प्रविष्टि तथा कालम (3) में उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा :—

(2)	(3)
डाक्टर आफ मेडिसिन	एम.डी. (बाल रोग चिकित्सा)
(बाल रोग चिकित्सा)	
मास्टर आफ सर्जरी	एम. एस. (आर्थो)
(हड्डी रोग विज्ञान)	
मास्टर आफ सर्जरी	एम. एस. (सामान्य शल्य चिकित्सा)
(सामान्य शल्य चिकित्सा)	
डाक्टर आफ मेडिसिन	एम.डी. (सूक्ष्म जीव विज्ञान)
(सूक्ष्म जीव विज्ञान)	

डाक्टर आफ मेडिसिन	एम.डी. (ओ बी जी)
(स्त्री और प्रसूति रोग विज्ञान)	
डाक्टर आफ मेडिसिन	एम.डी. (सामान्य चिकित्सा)
(सामान्य चिकित्सा)	
मास्टर आफ सर्जरी	एम. एस. (नेत्र विज्ञान)
(नेत्र विज्ञान)	
डाक्टर आफ मेडिसिन	एम.डी. (संवेदनाहरण)
(संवेदनाहरण)	
डाक्टर आफ मेडिसिन	एम.डी. (विकृति रोग विज्ञान)
(विकृति रोग विज्ञान)	
डाक्टर आफ मेडिसिन	एम.डी. (सामुदायिक चिकित्सा)
(सामुदायिक चिकित्सा)	
	(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये नवम्बर, 2004 अथवा उसके बाद प्रदान की गई हों)

[सं. यू.-12012/8/01-एम.ई. (पी-II)]

आस्था एस. खटवानी, निदेशक

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health and Family Welfare)

New Delhi, the 23rd November, 2005

S.O. 6.—In exercise of the powers conferred by Sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule against "H.N.B. Garhwal University" in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted namely :—

(2)	(3)
Doctor of Medicine	MD (Paediatrics)
(Paediatrics)	
Master of Surgery	MS (Ortho)
(Orthopedics)	

(2)	(3)
Master of Surgery (General Surgery)	MS (General Surgery)
Doctor of Medicine (Microbiology)	MD (Microbiology)
Doctor of Medicine (Anatomy)	MD (Anatomy)
	(these shall be recognized medical qualification when granted in or after November, 2004)
Doctor of Medicine (Physiology)	MD (Physiology)
Doctor of Medicine (Radio-Diagnosis)	MD (Radio-Diagnosis)
Doctor of Medicine (Pharmacology)	MD (Pharmacology)
Doctor of Medicine (Obs. & Gyanae.)	MD (OBG)
Doctor of Medicine (General Medicine)	MD (General Medicine)
Master of Surgery (Ophthalmology)	MS (Ophthalmology)
Doctor of Medicine (Anaesthesia)	MD (Anaesthesia)
Doctor of Medicine (Pathology)	MD (Pathology)
Doctor of Medicine (Community Medicine)	MD (Community Medicine)
	(these shall be recognized medical qualification when granted in or after December, 2004).
[No. U 12012/8/01-ME(P-II)]	
AASTHA S. KHATWANI, Director	

विज्ञान और प्रौद्योगिकी मंत्रालय

(विज्ञान और प्रौद्योगिकी विभाग)

नई दिल्ली, 29 दिसम्बर, 2005

का. आ. 7.— श्री चित्रा तिरुनल आयुर्विज्ञान और प्रौद्योगिकी संस्थान, त्रिवेन्द्रम अधिनियम, 1980 (1980 का सं. 52) की धारा 6 की उपधारा (1) और (2) के साथ पठित धारा 5 के खण्ड ज के प्रावधानों के अनुसार, श्री थेन्नला जी. बालाकृष्णा पिल्लई, सदस्य, राज्य सभा को

7 दिसम्बर, 2005 से इस संस्थान के निकाय के एक सदस्य के रूप में सेवा प्रदान करने के लिए चुना गया है।

स्थायी पता

अंबाडी, यमुना नगर,
काराकुलम डाकघर,
तिरुवनन्तपुरम
केरल

दिल्ली का पता

203-बी, एम. एस. फ्लैट्स,
बाबा खड्ग सिंह मार्ग,
नई दिल्ली-110001

2. चुने गए सदस्य का कार्यकाल उनके चुने जाने की तारीख से 5 वर्ष का होगा और सदन की सदस्यता समाप्त होने के साथ ही यह कार्यकाल समाप्त हो जाएगा।

3. उपर्युक्त सदस्या की सदस्यता श्री चित्रा तिरुनल आयुर्विज्ञान और प्रौद्योगिकी संस्थान, त्रिवेन्द्रम अधिनियम, 1980 के अन्य प्रावधानों के अधधीन होगी।

[सं. एआई/एससीटी/009/2004/1999-बीआईपी]

शंभू सिंह, निदेशक

MINISTRY OF SCIENCE AND TECHNOLOGY**(Department of Science and Technology)**

New Delhi, the 29th December, 2005

S.O. 7.—In terms of the provisions of Clause-J of Section 5 read with Sub-section (1) and (2) of Section 6 of the Sree Chitra Tirunal Institute of Medical Sciences & Technology, Trivandrum Act, 1980 (No. 52 of 1980), Shri Tennala G. Balakrishana Pillai, Member, Rajya Sabha has been elected to serve as one of the Members on the Body of the Institute w.e.f. 7th December, 2005.

Permanent Address

Ambadi, Yamuna Nagar
Karakulam P.O. Thiruvananthapuram, Kerala

Delhi Address

203-B, M.S. Flats,
B.K.S. Marg,
New Delhi-110001

2. The term of office of the elected Member shall be five years from the date of his election and the same shall come to an end as soon as he ceases to be a Member of the House.

3. The membership of the above Member shall be subject to other provisions of Sree Chitra Tirunal Institute of Medical Sciences and Technology, Trivandrum Act, 1980.

[No. AI/SCT/009/2004/1999-VIP]

SHAMBHU SINGH, Director

रसायन एवं उर्वरक मंत्रालय

(उर्वरक विभाग)

नई दिल्ली, 30 दिसम्बर, 2005

का. आ. 8.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में रसायन एवं उर्वरक मंत्रालय, उर्वरक विभाग के प्रशासनिक नियंत्रणाधीन राष्ट्रीय केमिकल्स एण्ड फर्टिलाइजर्स लि., विपणन कार्यालय हैदराबाद, (आन्ध्र प्रदेश) जिसके 80 प्रतिशत से अधिक अर्थात् लगभग शत-प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. ई-11011/1/2001-हिन्दी]

विजय छिब्बर, संयुक्त सचिव

MINISTRY OF CHEMICALS AND FERTILIZERS

(Department of Fertilizers)

New Delhi, the 30th December, 2005

S.O. 8.—In pursuance of sub-rule (4) of the Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976 the Central Govt. hereby notifies the **Rashtriya Chemicals & Fertilizers Ltd., Marketing Office, Hyderabad (Andhra Pradesh)** under the Administrative Control of the Ministry of Chemicals & Fertilizers Department of Fertilizers whereof more than 80% i.e. about 100% staff have acquired the working knowledge of Hindi.

[No. E-11011/1/2001-Hindi]

VIJAY CHHIBBER, Jt. Secy.

मानव संसाधन विकास मंत्रालय

(माध्यमिक तथा उच्चतर शिक्षा विभाग)

नई दिल्ली, 24 नवम्बर, 2005

का. आ. 9.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (माध्यमिक तथा उच्चतर शिक्षा विभाग) के अन्तर्गत कार्यरत निम्नलिखित 47 केन्द्रीय विद्यालयों को, ऐसी संस्थाओं के रूप में जिनमें 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. केन्द्रीय विद्यालय,
नं. 2, दीन दयाल नगर,
मकरोनीया, सागर
(मध्य प्रदेश)
2. केन्द्रीय विद्यालय,
आर्दिनेंस फैक्ट्री, खमारिया, जबलपुर
(मध्य प्रदेश)

3. केन्द्रीय विद्यालय,
डिंडोरी रोड,
मंडला
(मध्य प्रदेश)
4. केन्द्रीय विद्यालय,
आर्मी कैंट, ढाना जिला सागर,
(मध्य प्रदेश)
5. केन्द्रीय विद्यालय,
बचेली, दांतीवाडा,
छत्तीसगढ़
6. केन्द्रीय विद्यालय,
यमुना कोलेरी,
जिला अनुपपुर
(मध्य प्रदेश)
7. केन्द्रीय विद्यालय,
चक्रधर नगर, रायगढ़,
छत्तीसगढ़
8. केन्द्रीय विद्यालय (रेलवे)
एस. के. पी. कॉलोनी,
न्यू कटनी,
(मध्य प्रदेश)
9. केन्द्रीय विद्यालय,
कल्याणपुर,
शहडोल,
(मध्य प्रदेश)
10. केन्द्रीय विद्यालय,
तथांग,
अरुणाचल प्रदेश 790104
11. केन्द्रीय विद्यालय,
बी.आर.पी.एल. बोंगईगांव,
जिला-ढालीगांव,
असम-783385
12. केन्द्रीय विद्यालय,
हैप्पी वैली,
शिलांग,
मेघालय
13. केन्द्रीय विद्यालय,
केन्द्रीय रिजर्व पुलिस बल,
अमेरीगॉंग
गुवाहाटी-23
14. केन्द्रीय विद्यालय,
मिसामारी,
जिला-शोणितपुर,
असम

15. केन्द्रीय विद्यालय,
केशवपुरम, लारेन्स रोड,
दिल्ली-35
16. केन्द्रीय विद्यालय,
ए.जी.सी.आर. कालोनी,
कंडकडडूमा (द्वितीय पाली),
दिल्ली-92
17. केन्द्रीय विद्यालय,
बी-3, बंसंत कुंज,
नई दिल्ली-17
18. केन्द्रीय विद्यालय,
नं.-2 सर्वे ऑफ इंडिया,
देहरादून
19. केन्द्रीय विद्यालय,
अपर कैप,
देहरादून-248 003
20. केन्द्रीय विद्यालय,
आई. एम. ए.
देहरादून
21. केन्द्रीय विद्यालय,
ओ. एन. जी. सी.,
कालागढ़ रोड,
देहरादून-248 195
22. केन्द्रीय विद्यालय,
आर्डिनैस फैक्टरी, रायपुर
देहरादून-248 008
23. केन्द्रीय विद्यालय,
आई. आई. पी,
मोहकमपुर
देहरादून
24. केन्द्रीय विद्यालय,
पोलोग्राउंड एल. बी. एस. एन. ए. ए.
मसूरी-248 179
25. केन्द्रीय विद्यालय,
बी. एच. ई. एल.
हरिद्वार-249 403
26. केन्द्रीय विद्यालय,
नं.-2, सैंकिड ट्रेनिंग, बी एन,
बी. ई. जी. एण्ड सेंटर,
रूड़की-247667
27. केन्द्रीय विद्यालय,
रायवाला,
देहरादून-240 205
28. केन्द्रीय विद्यालय,
डी. आई. ई. टी. कैप
मुजफ्फर नगर, उत्तर प्रदेश
29. केन्द्रीय विद्यालय,
ए. एफ. एस. चांदीनगर
पो. ओ. चमरवाल,
बागपत-250615
30. केन्द्रीय विद्यालय,
एस. एस. बी. श्रीनगर,
गढ़वाल,
उत्तरांचल
31. केन्द्रीय विद्यालय,
आई. टी. बी. पी. गौचर,
जिला चमोली,
उत्तरांचल
32. केन्द्रीय विद्यालय,
नं.-2, जे. एल. ए. (ए. एस. सी.)
बरेली-243004
33. केन्द्रीय विद्यालय,
आई. वी. आर. इज्जतनगर,
बरेली-243122
34. केन्द्रीय विद्यालय,
रानी खेत,
उत्तरांचल-263645
35. केन्द्रीय विद्यालय,
एन. एच. पी. सी. धारचूला,
जिला पिथौरागढ़,
उत्तरांचल
36. केन्द्रीय विद्यालय,
एन. एच. पी. सी. बनबसा,
पी.ओ.-चांदनी,
जिला चंपावत-262310
37. केन्द्रीय विद्यालय,
पौड़ी गढ़वाल,
उत्तरांचल
38. केन्द्रीय विद्यालय,
एस. एस. बी. फ्रंटियर अकादमी,
गवालदम,
जिला चमोली-246441
39. केन्द्रीय विद्यालय,
जी. आर. सी. एरिया, कौसानी,
जिला बागेश्वर,
उत्तरांचल
40. केन्द्रीय विद्यालय,
भीमताल,
नैनीताल, उत्तरांचल
41. केन्द्रीय विद्यालय,
नं.-1, शाहजहांपुर कैंट,
उत्तर प्रदेश 242001

42. केन्द्रीय विद्यालय,
नं.-2, ओ.सी. एफ. शाहजहाँपुर,
उत्तर प्रदेश-242001
43. केन्द्रीय विद्यालय,
सौरखंड, पो. आ.-कुठाल गांव,
जिला टिहरी गढ़वाल,
उत्तरांचल
44. केन्द्रीय विद्यालय,
आई. टी. बी. पी. मिर्ठी,
पो. आ. मिर्ठी,
जिला पिथौरागढ़,
उत्तरांचल
45. केन्द्रीय विद्यालय,
राजगढ़ी, उत्तरकाशी,
उत्तरांचल
46. केन्द्रीय विद्यालय,
अगस्तमुनी,
जिला रुद्रप्रयाग-246921
उत्तरांचल
47. केन्द्रीय विद्यालय,
लोहाघाट, जिला चंपावत,
उत्तरांचल
5. Kendriya Vidyalaya,
Bacheli, Dantewara,
Chhatisgarh.
6. Kendriya Vidyalaya,
Yamuna Colliery, Distt. Anuppur,
Madhya Pradesh.
7. Kendriya Vidyalaya,
Chakradhar Nagar, Raigarh,
Chhatisgarh.
8. Kendriya Vidyalaya, (Rly.),
S.K.P. Colony, New Katni,
Madhya Pradesh.
9. Kendriya Vidyalaya,
Kalyanpur, Shahdol, Madhya Pradesh.
10. Kendriya Vidyalaya,
Tawang, Arunachal Pradesh-790104.
11. Kendriya Vidyalaya,
B.R.P.L. Bongaigaon,
Post Dhaligaon, Assam-983385.
12. Kendriya Vidyalaya,
Happy Valley, Shillong, Meghalaya.
13. Kendriya Vidyalaya,
C.R.P.F. Amerigog,
Guwahati-23.
14. Kendriya Vidyalaya,
Missamari, Distt. Shonitpur,
Assam
15. Kendriya Vidyalaya,
Keshawpuram, Lawrence Road,
Delhi-35
16. Kendriya Vidyalaya,
A.G.C.R. Colony, Karkardooma (IInd Shift),
Delhi-92.
17. Kendriya Vidyalaya,
B-3, Vasant Kunj, New Delhi-17.
18. Kendriya Vidyalaya,
No. 2, Survey of India, Dehradun.
19. Kendriya Vidyalaya,
Upper Camp, Dehradun-248003.
20. Kendriya Vidyalaya,
I.M.A., Dehradun.
21. Kendriya Vidyalaya,
O.N.G.C., Kalagarh Road,
Dehradun-248195.
22. Kendriya Vidyalaya,
Ordinance Factory, Raipur,
Dehradun-248008.
23. Kendriya Vidyalaya,
I.I.P. Mohkampur,
Dehradun.

[सं. 11011-7/2005-रा.भा.ए.]

डी. पी. बन्दूनी, निदेशक (रा.भा.)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Secondary and Higher Education)

New Delhi, the 24th November, 2005

S.O. 9.—In pursuance of sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following 47 Kendriya Vidyalayas under the Ministry of Human Resource Development. (Deptt. of Secondary and Higher Education) whose more than 80% members of the staff have acquired working knowledge of Hindi :—

1. Kendriya Vidyalaya,
No. 2, Deen Dayal Nagar, Makronia,
Sagar,
M.P.
2. Kendriya Vidyalaya,
Ordinance Factory, Khameria, Jabalpur, M.P.
3. Kendriya Vidyalaya,
Dindori Road, Mandla,
Madhya Pradesh.
4. Kendriya Vidyalaya,
Army Cantt., Dhana Distt., Sagar,
Madhya Pradesh.

24. Kendriya Vidyalaya,
Polo Ground, L.B.S.N.A.A.,
Masoorie-248179.
25. Kendriya Vidyalaya,
B.H.E.L., Haridwar-249403.
26. Kendriya Vidyalaya,
No. 2, Second Training, B.N.,
B.E.G. Center, Roorkee-247667.
27. Kendriya Vidyalaya,
Raiwala, Dehradun-240205.
28. Kendriya Vidyalaya,
D.I.E.T. Camp, Muzaffarnagar, U.P.
29. Kendriya Vidyalaya,
A.F.S. Chandinagar, P.O. Chamarwal,
Bagpat-250615.
30. Kendriya Vidyalaya,
S.S.B. Srinagar, Garhwal,
Uttaranchal.
31. Kendriya Vidyalaya,
I.T.B.P. Gauchar, Distt. Chamoli,
Uttaranchal.
32. Kendriya Vidyalaya,
No. 2, J.L.A. (ASC)
Barelli-243004. (U.P.)
33. Kendriya Vidyalaya,
I.V.R. Izzat Nagar, Barelli-243122. (U.P.)
34. Kendriya Vidyalaya,
Ranikhet, Uttaranchal-263645.
35. Kendriya Vidyalaya,
N.H.P.C. Dharchula,
Distt. Pithoragarh,
Uttaranchal.
36. Kendriya Vidyalaya,
N.H.P.C. Banbasa, P.O. Chandni,
Distt. Champawat, Uttaranchal-262310.
37. Kendriya Vidyalaya,
Pauri, Garhwal, Uttaranchal.
38. Kendriya Vidyalaya,
S.S.B. Frontier Academi, Gwaldam,
Distt. Chamoli-246441.
39. Kendriya Vidyalaya,
G.R.C. Area, Kausani,
Distt. Bageswar, Uttaranchal.
40. Kendriya Vidyalaya,
Bheemtal, Nainital, Uttaranchal.
41. Kendriya Vidyalaya,
No. 1, Shahjahanpur Cantt.
Uttar Pradesh-242001.

42. Kendriya Vidyalaya,
No. 2, O.C.F. Shahjahanpur,
Uttar Pradesh-242001.
43. Kendriya Vidyalaya,
Saurkhand, P.O. Kuthal Village,
Distt. Tehri Garhwal, Uttaranchal.
44. Kendriya Vidyalaya,
I.T.B.P., Mirthee, P.O. Mirthee,
Distt. Pithoragarh, Uttaranchal.
45. Kendriya Vidyalaya,
Rajgarhi, Uttarkashi, Uttaranchal.
46. Kendriya Vidyalaya,
Agastmuni, Distt. Rudraprayag,
Uttaranchal-246921.
47. Kendriya Vidyalaya,
Lohaghat, Distt. Champawat,
Uttaranchal.

[No. 11011-7/2005-OLU]

D. P. BANDOONI, Director (OL)

शहरी विकास मंत्रालय

नई दिल्ली, 30 दिसम्बर, 2005

का. आ. 10.—दिनांक 7 जुलाई, 2004 की अधिसूचना सं. 25011/7/85-डब्ल्यू-2 में आंशिक संशोधन करते हुए राजघाट समाधि अधिनियम, 1951 (1951 का 41) की धारा 4 की उक्त धारा (1), (2) तथा (3) के साथ पठित धारा 3 द्वारा प्रदत्त शक्तियों को उपयोग करते हुए, केन्द्र सरकार श्री गुलाम नबी आजाद के स्थान पर श्री एस. जयपाल रेड्डी, शहरी विकास मंत्री को राजघाट समाधि समिति का अध्यक्ष नियुक्त करती है।

[सं. 25011/7/85-डब्ल्यू-2]

देवेन्द्र कुमार, अवर सचिव

MINISTRY OF URBAN DEVELOPMENT

New Delhi, the 30th December, 2005

S.O. 10.—In partial modification of the Notification No. 25011/7/85-W2 dated 7th July, 2004, the Central Government appoints Shri S. Jaipal Reddy, Minister of Urban Development as Chairman of Rajghat Samadhi Committee in place of Shri Ghulam Nabi Azad in exercise of the powers conferred by Section 3 read with sub-sections (1), (2) and (3) of Section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951).

[No. 25011/7/85-W-2]

DEVINDER KUMAR, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 23 दिसम्बर, 2005

का.आ. 11.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	11005 : 1984	1, दिसम्बर, 2005	31 दिसम्बर, 2005

इस भारतीय संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं.-ईटी 13/टी-27]

पी. के. मुखर्जी, वैज्ञ. 'एफ' एवं प्रमुख (विद्युत तकनीकी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 23rd December, 2005

S.O. 11.—In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued.

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and Year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 11005 : 1984 Specification for Dust-Tight Ignition Proof Enclosures of Electrical Equipment	1st December, 2005	31st December, 2005

Copies of this Amendment are available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 13/ST-27]

P.K. MUKHERJEE, Sc. 'F' Head (Electrical Engg.)

नई दिल्ली, 28 दिसम्बर, 2005

का.आ. 12.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	संशोधनों की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15700 : 2005	—	दिसम्बर, 2005

इस भारतीय संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एम एस डी/जी-8]

प्रवीण कुमार गंभीर, वैज्ञानिक 'एफ' एवं प्रमुख (प्रबन्ध एवं तंत्र)

New Delhi, the 28 December, 2005

S.O. 12.—In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and Year of Indian Standards if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15700 : 2005	—	December 2005

Copy of above Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, and Thiruvananthapuram.

[No. MSD/G-8]

P. K. GAMBHIR, Sc. 'F' Head (Magt. & System)

नई दिल्ली, 2 जनवरी, 2006

का.आ. 13.— भारतीय मानक ब्यूरो (प्रमाणन), विनियम 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गये हैं :

अनुसूची

क्रम सं.	लाइसेंस सं.	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भामा भाग/अनु. वर्ष संख्या
1	2	3	4	5	6
1	6472273	6-9-2004	कावेरी केबल्स एण्ड कंडक्टर्स 9/4 पीलम्मा गार्डन, नागवारा मेरन रोड, लिफ्ट पीवीसी रोडित केबल्स बंगलौर-560023	1100 वो. तक कार्यकारी वोल्टता के	694 : 1990

1	2	3	4	5	6
2	6472576	9-9-2004	मैसो-टैक इंडस्ट्रीज 36, पहना क्रॉस आवलहली मेन रोड, न्यू टिम्बर यार्ड लेऑउट मैसूर रोड, बंगलौर-560026	जिमज्जन मोटरों के वाइडिंग तारों भाग 4 अलग अलग तारों की विशिष्ट	8783 : 1995
3.	6472879	9-9-2004	आर. ए. वायर रोप्स प्रा. लि. सर्वे संख्या 89 : 3 आवरगेरे पी बी रोड, दावनगेरे-577003	लिफ्टों, एलिवेटों व हॉयस्टस के लिए स्टील वायर सस्पेन्सन रोप	2365 : 1977
4.	6474176	17-9-2004	जैमिनी ग्राफिक्स प्राइवेट लिमिटेड यूनिट III पेपर डिविजन, सर्वे संख्या 106-107 खेमथाना, पांचवा स्टेज, बिदार जिला-585226	मैग्नेटिक इंक केरेक्टर रिकगनिशन चैक प्रिंटिंग के लिए पेपर	11087 : 1986
5.	6474277	21-9-2004	फ्लेट कैसेट और एलैड प्रोडक्ट्स संख्या 56, क्रॉस पी एन टी कॉलोनी वेंकटेशपुरम, बंगलौर-560045	रिसिलियन्ट सामग्री से बने श्री पिन प्लगस	6538 : 1971
6.	6575077	27-9-2004	तरुण पॉलीमर्स 14 बी, बी क्रॉस, गोपालपुरम, मिनर्वा मिल्स के पीछे, मागदी रोड, बंगलौर-560023	1100. वो तक कार्यकारी वोल्टता के लिए पीवीसी रोधित केबल्स	694 : 1990
7.	6476180	30-9-2004	श्री बालाजी मिनरल्स 14 गम्बाडी कावल विलेज, हारोहल्ली डोबली, कगलहल्ली पोस्ट कनकपुरा तालुक, बंगलौर रूरल जिला	पैकेजबंद पेय जल (पैकेजबंद प्राकृतिक पेय जल के अलावा)	14543 : 2004
8.	6476483	4-10-2004	संकेश्वर मिनरल्स प्रा. लिमिटेड वी आर एल कॉम्प्लैक्स 17वां किमि, हुबली बंगलौर रोड, राष्ट्रीय राजमार्ग चार, वरूर, हुबली-580007	पैकेजबंद पेय जल (पैकेजबंद प्राकृतिक पेय जल के अलावा)	14543 : 2004
9.	6476685	7-10-2004	जमीला वूड इंडस्ट्रीज डेरेबेल कंचाडी अशोक नगर पी ओ, मंगलौर-575006	ब्लॉक बोर्डस	1659 : 1990
10.	6477687	18-10-2004	साउथ इंडिया सीमेंट्स लिमिटेड मलखेड, सेलम तालुक, जिला गुलबर्गा	43 ग्रेड साधारण पोर्टलैण्ड सीमेंट	8112 : 1989
11.	6477889	19-10-2004	श्री लक्ष्मी मेटल उद्योग लिमिटेड, 9-11, केआईएडीबी इंडस्ट्रियल एरिया बलगारनहल्ली, अनेकल तालुक, अत्तीबेले, बंगलौर-562107	मृदु इस्पात ट्यूब्स, ट्यूबलरस व अन्य फिटिंग्स स्टील फिटिंग्स-भाग 1 मृदु इस्पात ट्यूबस	1239 (भाग 1) : 1996
12.	6477990	19-10-2004	श्री लक्ष्मी मेटल उद्योग लिमिटेड, 9-11, केआईएडीबी इंडस्ट्रियल एरिया ट्यूब्स बलगारनहल्ली, अनेकल तालुक, अत्तीबेले, बंगलौर-562107	संरचनात्मक उद्देश्यों के लिए स्टील	1161 : 1998

1	2	3	4	5	6
13.	6478083	20-10-2004	एक्स्प्रेट केबलस प्रा. लि. 45, श्रीगंधद काबल, हनुमंत नगर, विश्वनीडम पोस्ट मागडी रोड बंगलौर-560056	1100 वो तक कार्यकारी वोल्टता के लिए पीवीसी रोधित केबलस	694 : 1990
14.	6478184	20-10-2004	कृष्णा पॅलीमैक प्रा लिमिटेड 86-एल जिगनी इंडस्ट्रियल एरिया अनेकल तालुक, बंगलौर-562106	पेय जल आपूर्ति हेतु उच्च घनत्व पॉलीएथलीन पाइप	4984 : 1995
15.	6479085	3-11-2004	आर जी गैस इंडिया संख्या 54 भद्रप्पा इंडस्ट्रियल एस्टेट, 7 वीं क्रॉस कामाक्षी पालया बंगलौर-560079	द्रवीय पेट्रोलियम गैस के साथ प्रयोग हेतु घरेलू गैस चुरहे	4246 : 2002
16.	6480171	16-11-2004	राजमहल फैन्सी ज्वैलरी संख्या 6 वार्ड सं. 4 बंगलौर रोड बेलारी-583101	स्वर्ण व स्वर्ण मिश्रित आभूषणों/ शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999
17.	6482175	2-12-2004	ऋषभ ज्वैलरस संख्या 58 नगरतपेट मेन रोड, बंगलौर-560002	स्वर्ण व स्वर्ण आभूषणों/ शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999
18.	6482680	3-12-2004	डी एम सीमेंट प्रा. लि. ग्रंथपूर हासदुर्गा तालुक, जिला चित्रदुर्गा	53 ग्रेड साधारण पोर्टलैंड सीमेन्ट	12269 : 1987
19.	6482781	3-12-2004	मेट्रो ड्रीप इरीगेशन प्रा. लि. 27 नगरतपेट मेन रोड, बंगलौर-560002	सिंचाई उपस्कर-उत्तसर्जक	13487 : 1990
20.	6482983	3-12-2004	स्वदेश एंटरप्राइसेस 193 इंडस्ट्रीयल एरिया बेकम्पाडी न्यू मंगलौर-575011	ब्लॉक बोर्डस	1659 : 1990
21.	6483581	8-12-2004	हिमाद्री इरीगेशन 267, 4 फेस पीन्या इंडस्ट्रियल एरिया, बंगलौर-560058	सिंचाई उपस्कर-उत्तसर्जक	13487 : 1992
22.	6484589	9-12-2004	स्वदेश एंटरप्राइसेस 193 इंडस्ट्रीयल एरिया बेकम्पाडी न्यू मंगलौर-575011	सामान्य उद्देश्यों के लिए प्लाइवुड	303 : 1989
23.	6485181	12-12-2004	पवन केबलस (इंडिया लि.) 20, 6 क्रॉस कावेरी ले आउट अमर ज्योति नगर, बंगलौर-560040	1100 वो तक कार्यकारी वोल्टता के लिए पीवीसी रोधित केबलस	694 : 1990
24.	6486587	12-12-2004	विजयलक्ष्मी प्लाइ इंडस्ट्रीज प्लॉट सं. 49 जिगनी इंडस्ट्रियल एरिया अनेकल तालुक, बंगलौर-562106	सामान्य उद्देश्यों के लिए प्लाइवुड	303 : 1989

1	2	3	4	5	6
25. 6483003	30-12-2004	चैम्पीयन पाइप इंडस्ट्रीज 167/2 मरियम्मा लेन एसजेबी रोड क्रॉस बंगलौर-560002	सिंचाई उपस्कर-उत्तसर्जक	13487 : 1992	
26. 6483002	30-12-2004	विजयलक्ष्मी पताई इंडस्ट्रीज, प्लॉट सं. 49, जिगनी इंडस्ट्रियल एरिया, अनेकल तालुक, बंगलौर-562106	ब्लॉक बोर्डस	1659 : 2004	
27. 6483001	27-01-2005	सुप्रीम ड्रिप सिस्टम, 148/1, अजीज सेत इंडस्ट्रियल टाउन, पंतर पालया पोस्ट, मंसूर रोड, बंगलौर-560026	सिंचाई उपस्कर-उत्तसर्जक	13487 : 1992	
28. 6483004	28-01-2005	नवकर्नाटक स्टील्स प्रा. लि., पी.बी. सं. 49, अनंतपुर रोड, बेल्लारी-583101	उच्च शक्ति के विरूपित इस्पात तारों व बारस	1786 : 1985	
29. 6483007	31-01-2005	एस बी स्क्वैड इंडस्ट्री, प्लॉट सं. 19(बी), इंडस्ट्रियल एरिया, चिक्कबल्लापुर	गैस मेन, वॉटर मेन व सीवरस के लिए स्क्वैड सिलिंग रिंगस	5382 : 1985	
30. 6490503	31-01-2005	शीतल ज्वैलर्स, कट्टर बिल्डिंग, गांधी चौक, धारवाड़-1	स्वर्ण व स्वर्ण मिश्रित आभूषणों/ शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999	
31. 6490506	01-02-2005	ए एन इंटरप्राइजेस, 18, पहला माला, अरेकेंमनहल्ली, सिद्धापुर, बंगलौर-562106	घरेलू उद्देश्यों के लिए	4181 : 1993	
32. 6490509	01-02-2005	एस पी टूल टेक (यूनिट 2), 8/4, 14, क्रॉस अग्रहारा, दासरहल्ली, बंगलौर	अल्प वोल्टता स्विच गियर और नियंत्रण गियर की विशिष्ट भाग 4 संपर्क युक्तियां और मोटर स्टार्ट्स अनुभाग 1 विद्युतयांत्रिक संपर्क युक्तियां और मोटर स्टार्ट्स	13947 (भाग 4) अनुभाग 1 : 1993	
33. 6490584	07-02-2005	ग्लो कॉस्ट, प्लॉट सं. 76 व 104, मच्छे इंडस्ट्रियल एरिया, मच्छे बेलगाम-590014	मेनहोलों के लिए कॉस्ट आयरन के स्टेप्स	5455 : 1969	
34. 6495487	18-02-2005	एस एस पम्पस एण्ड मोटर्स, सी-4, इंडस्ट्रियल एस्टेट तामका, कोलार-583101	निमज्जणीय पम्पसेट	8034 : 2002	
35. 6495790	22-02-2005	जी के एम इलेक्ट्रिकल सर्विसस, 679 (83/3), 3 क्रॉस दूसरा मेन प्रकाश नगर, बंगलौर-560021	श्री फेज इंडक्शन मोटर्स	325 : 1996	
36. 6496088	24-02-2005	सिंधु प्लास्टिक्स, प्लॉट सं. 35-बी, शिवाली इंडस्ट्रियल एरिया, मनिपाल-एलिधूर रोड मनिपाल दक्षिण कन्नडा-576104	पेय जल आपूर्ति हेतु उच्च घनत्व पॉलीथिलीन पाइप	4984 : 1995	

1	2	3	4	5	6
37. 6497188	28-02-2005	बी टी पी स्ट्रक्चरल (इंडिया) प्रा.लि., जंबोली रोड, मच्छे इंडस्ट्रीयल एरिया, बेलगाम-590014	अल्प दाब द्रवणीय गैसों के लिए अधिक जल क्षमता वाले वेलिडित अल्प कार्बन इस्पात सिलिंडर भाग 2 एलपीजी सिलिंडरों के अलावा अल्प द्रवणीय गैसों के लिए सिलिंडर	3196 (भाग 2) : 1992	
38. 6497087	28-02-2005	फ्लैमपैक (मनिपाल), बी-30, केएसएसआइडीसी इंडस्ट्रीयल एरिया, मनिपाल-576104	विस्फोटी गैस पर्यावरणों के लिए बिजली के उपकरण-ज्वालासह आवरण "d"	2148 : 2004	
39. 6498291	08-03-2005	धनुश्री इंडस्ट्रीज, बोम्मासंद्रा इंडस्ट्रीयल एरिया, बंगलौर-560100	सिंचाई उपस्कर-स्ट्रेनर टाइप फिल्टर	12785 : 1994	
40. 6498392	08-03-2005	राजलक्ष्मी वूड इंडस्ट्रीज, बी के रोड, मागडी-562120	सामान्य उद्देश्यों के लिए प्लाईवूड	303 : 1989	
41. 6498493	08-03-2005	राजलक्ष्मी वूड इंडस्ट्रीज, बी के रोड, मागडी-562120	लकड़ी के सपाट दरवाजे के शटर (ठोस कोर प्रकार) भाग 1 प्लाईवूड सहयुक्त पल्ले	2202 (भाग 1) : 1999	
42. 6498695	10-03-2005	भरणी एप्लाईसेंस, 555, 3वां क्रॉस, गोविंद रेड्डी ले आउट, बंगलौर-560076	द्रवीय पेट्रोलियम गैस के साथ प्रयोग हेतु घरेलू गैस चुल्हे	4246 : 2002	
43. 6498998	11-03-2005	लक्ष्मीदास ज्वैलरस डोर सं. 14-3-187/11 से 14, डीसुजा आर्कैड बालमट्टा रोड, मंगलौर-575001	स्वर्ण व स्वर्ण मिश्रित आभूषणों, शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999	
44. 6499091	11-03-2005	हासन एग्री इंडस्ट्रीज, 343, केआइएडीबी इंडस्ट्रीयल ग्रोथ सेंटर, एच एन पुर रोड, हासन-573201	कॉपर सल्फेट	261 : 1982	
45. 6499192	11-03-2005	राजलक्ष्मी वूड इंडस्ट्रीज, बी के रोड, मागडी-562120	ब्लॉक बोर्ड्स	1659 : 2004	
46. 6499394	15-03-2005	जी एल आचार्य ज्वैलर्स, जी एल कॉम्प्लेक्स, पुत्तूर-574201	स्वर्ण व स्वर्ण मिश्रित आभूषणों/ शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999	
47. 6499495	15-03-2005	विमल विनियरस, 71/ए, इलैक्ट्रॉनिक सिटी, दोड्डतोपुर गांव, होसुर रोड, बंगलौर-560100	सामान्य उद्देश्यों के लिए प्लाईवूड	303 : 1989	
48. 6499697	18-03-2005	मल्टी पैकेजिंग, 60/8, मुनी रेड्डी बिल्डिंग, कोडिचिक्कनहल्ली रोड, कावकरी नगर, बम्मनहल्ली, बंगलौर-560068	विस्फोटकों के पैकेजिंग के लिए सामान्य अर्हताएं भाग 1 कमर्शियल हार्ड विस्फोटक	10212 (भाग 1) 1986	

1	2	3	4	5	6
49.	6500252	21-03-2005	हासन जेम्स एण्ड ज्वैलरी प्रा.लि., सं. 10/2 व 10/4, लालबाग रोड, रिचमंड सर्कल, बंगलौर-560068	स्वर्ण व स्वर्ण मिश्रित आभूषणों/ शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999
50.	6500353	23-03-2005	सुधाकर पालीमरस लिमिटेड यूनिट-II, प्लॉट सं. 193-196, केआइडीबी, बेल्लारी-583102	पेय जल आपूर्ति हेतु अनम्यकृत पीवीसी पाइपें	4985 : 2000
51.	6500555	23-03-2005	सुधाकर प्लाइवूड इंडस्ट्रीज, यूनिट-II, प्लॉट सं. 193-196, केआइडीबी, बेल्लारी-583102	विद्युत संस्थापन के लिए नलिकाएं भाग 3, रोधन सामग्री के दृढ़ सादे नलिकाएं	9537 (भाग 3) : 1983
52.	6500757	24-03-2005	मारुती प्लाइवूड इंडस्ट्री, प्लॉट सं. 48/1 व 49, न्यू टिम्बर रोड, हुबली-580031	ब्लॉक बोर्ड्स	1659 : 2004
53.	6500858	24-03-2005	करंजी इन्डस्ट्रीज, 27-ए/बी 2, क्रॉस कतरीगुप्पा मेन रोड, बंगलौर-560085	पैकेजबंद पेय जल (पैकेजबंद प्राकृतिक पेय जल के अलावा)	14543 : 2004
54.	6500959	24-03-2005	मारुती प्लाइवूड इंडस्ट्री, प्लॉट सं. 48/1 व 49, न्यू टिम्बर रोड, हुबली-580031	सामान्य उद्देश्यों के लिए प्लाइवूड	303 : 1989
55.	6501153	28-03-2005	बाबा प्लाइवूड, पोटालिके मनकेपादवू पोस्ट नेनगंगा विलेज बंतवल तालुक दक्षिण कन्नडा-574153	ब्लॉक बोर्ड्स	1659 : 2004
56.	6501254	28-03-2005	बाबा प्लाइवूड, पोटालिके मनकेपादवू पोस्ट नेनगंगा विलेज बंतवल तालुक दक्षिण कन्नडा-574153	सामान्य उद्देश्यों के लिए प्लाइवूड	303 : 1989
57.	6501456	30-03-2005	नीरानी सीमेन्ट्स प्रा.लि., नीरानी इंडस्ट्रियल एरिया, मुधोल बागल्लकोट जिला	43 ग्रेड साधारण पोर्टलैण्ड सीमेन्ट	8112 : 1989
58.	6501557	30-03-2005	विमल विनियरस, 71/ए, इलैक्ट्रॉनिक सिटी, दोड्डातोपुर गांव, होसुर रोड, बंगलौर-560100	ब्लॉक बोर्ड्स	1659 : 2004
59.	6501658	30-03-2005	द मैसूर चिपबोर्ड लिमिटेड, मैसूर हुनसूर रोड, हिंकल, मैसूर-577017	मेरिन प्लाईवूड	710 : 1976
60.	6501860	31-03-2005	विजयलक्ष्मी प्लाई इंडस्ट्रीज, प्लॉट सं. 49, जिगनी इंडस्ट्रियल एरिया, अनेकल तालुक, बंगलौर-562106	लकड़ी के सपाट दरवाजे के शटर (ठोस कोर प्रकार) भाग 1 प्लाईवूड सतहयुक्त पल्ले	2202 (भाग 1) : 1999

1	2	3	4	5	6
61.	6501961	30-03-2005	मारुती पॉवर सिस्टम्स एण्ड इंजिनियरिंग, सं. 10, शांतिपूरा मेन रोड, इलैक्ट्रॉनिक सिटी II फेज, बंगलौर-560085	एसी विद्युत तंत्रों के लिए स्वतः ठीक होने वाले 650 वोल्ट की रेटित वोल्टता के संत संधारित्र	13340 : 1993
62.	6502256	31-03-2005	सुदर्शन एन्टरप्राइजेस प्रा. लि., प्लॉट सं. 105, फेज IV, बोम्मासंद्रा इंडस्ट्रीयल एरिया, होसूर रोड, बंगलौर-560099	पेय जल आपूर्ति हेतु अनम्यकृत पीपीसी पाइपें	4985 : 2000
63.	6507064	28-04-2005	मदर डेरी, येलहंका बंगलौर-560065	दूध का पाउडर	1165 : 2002
64.	6507872	10-05-2005	मलबार ज्वैलर्स एण्ड जेम्स, 13, डिकनसन रोड, बंगलौर-560042	स्वर्ण व स्वर्ण मिश्रित आभूषणों/ शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999
65.	6512461	27-06-2005	जी के एम इलैक्ट्रीकल सर्विसेस 679 (83/3) III स्टेज II मेन, प्रकाश नगर, बंगलौर-560021	सिंगल फेज छोटे एसी व यूनिवर्सल इलैक्ट्रीक मोटर्स	996 : 1979
66.	6512966	27-06-2005	शान्द पाइप इंडस्ट्रीज प्रा.लि., 209/394, चांदपूरा गांव, होसूर मेन रोड, अत्तिबेले अनेकल तालुक बंगलौर-560081	पेय जल आपूर्ति हेतु उच्च घनत्व पॉलीएथलीन पाइप	4984 : 1995
67.	6513059	28-06-2005	विशाखा इंडस्ट्रीज लिमिटेड, 27/1, नागेनहल्ली, कोरा होबली जिला तुमकूर	एस्बेस्टॉस सीमेंट की नलीदार और अर्ध नलीदार सीमेंट की चद्दों की विशिष्टि	459 : 1992
68.	6513362	29-06-2005	भीमा ज्वैलर्स, सं. 45, डिकेनसन रोड, बंगलौर-560042	स्वर्ण व स्वर्ण मिश्रित आभूषणों/ शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999
69.	6513968	30-06-2005	पेट्रो गैस इंक, 138/11, 3 क्रॉस, पंथरपालया, नयनदाहल्ली पोस्ट, बंगलौर-560039	द्रवीय पेट्रोलियम गैस के साथ प्रयोग हेतु घरेलु गैस चुल्हे	4246 : 2005
70.	6514869	06-07-2005	भारत हैवी इलैक्ट्रीकल्स, इलैक्ट्रॉनिक्स डिविजन, पो.बा. सं. 2606, मैसूर रोड, बंगलौर-560026	एसी स्टैटिक ट्रांसफॉर्मर चालित वाट घंटे एवं एआर घंटे मीटर, वर्ग 0.3 S व 0.5 S	14697 : 1999
71.	6518069	03-08-2005	केबीएसआर फूड्स एण्ड बीवरेजस प्रा.लि., प्लॉट सं. 262 बी व 263, तीसरा फेज, बोम्मासंद्रा इंडस्ट्रीयल एरिया, बंगलौर-562158	पैकेजबंद पेय जल (पैकेजबंद प्राकृतिक पेय जल के अलावा)	14543 : 2004
72.	6518978	09-08-2005	मदर डेरी, केएमएफ की इथिई येलहंका जी.के.वी.के. पोस्ट, बंगलौर-560065	मलाई रहित दूध भाग 2 अतिरिक्त ग्रेड	13334 (भाग 2) : 1992

1	2	3	4	5	6
73.	6519071	12-08-2005	मेपल कॉर्पोरेशन, सं. 58/सी बी.डी.ए. मेनलैण्ड रोड, एपीएमसी यार्ड एरिया यशवंतपुर, बंगलौर-560022	पैकेजबंद पेय जल (पैकेजबंद प्राकृतिक पेय जल के अलावा)	14543 : 2004
74.	6519277	12-08-2005	विक्रम इंडस्ट्रीज, सं. 6/17, दूसरा मेन रोड, पादरायमपुर, बंगलौर-560002	घरेलू प्रेशर कूकर	2347 : 1995
75.	6520662	22-08-2005	सूमन शुद्ध आभरण प्रा.लि., सं. 604, 62वां क्रॉस 5वां ब्लॉक, भाषयम सर्कल के नजदीक, राजाजी नगर, बंगलौर-560010	स्वर्ण व स्वर्ण मिश्रित आभूषणों/ शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999
76.	6521664	30-08-2005	टुंगा पीवीसी पाइपस प्रा.लि., सं. 134, बोम्मासंद्रा इंडस्ट्रीयल एस्टेट, होसूर रोड, बंगलौर-562158	बोर-नलकूपों के लिए अनम्यकृत पी वी सी जाली और आवरक पाइप	12818 : 1992
77.	6521866	31-08-2005	ऋषी पॉलीमेक प्रा.लि., सं. 16/ए, बेलागोला इंडस्ट्रीयल एस्टेट, के.आर.एस. रोड, मैसूर-570016	मलक जल व्यवस्था के लिए उच्च घनत्व वाले पालिएथिलीन पाइप	14333 : 1996
78.	6522161	01-09-2005	प्रतिभा ज्वैलरी हाउस, 1/1, राजा राम मोहन राय रोड, रीचमंड सर्कल, बंगलौर-560025	स्वर्ण व स्वर्ण मिश्रित आभूषणों/ शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999
79.	6523769	12-09-2005	स्टैन्डर्ड सीमेंट पाइप इंडस्ट्रीज, पोस्ट शेडबार, अथम तालुका, बेलगाम-591315	पूर्व ढलित कंक्रीट पाइप (प्रबलन सहित व रहित)	458 : 2003
80.	6524367	13-09-2005	पी आर पालीमरस, सर्वे सं. 11/1, शिमोगा रोड, एन आर पूरा तालुका, चिकमगलूर-577134	पेय जल आपूर्ति हेतु अनम्यकृत पीवीसी पाइपें	4985 : 2000
81.	6524569	13-09-2005	डीएम सीमेंट प्रा.लि., सर्वे सं. 56/4, ग्रंथपूरा श्रीरामपूर हुबली होसपुरगा तालुका चित्रदुर्गा जिला	पोर्टलैंड पोजोलैना सीमेंट भाग 1 फ्लाई एशा आधारित	1489 (भाग 1) : 1991
82.	6524670	14-09-2005	श्रीकृष्णा पाइप इंडस्ट्रीज, एट करकी, हथियांगडी, कुंदापूर-576283 उडीपी जिला	पेय जल आपूर्ति हेतु अनम्यकृत पीवीसी पाइपें	4985 : 2000
83.	6525167	15-09-2005	श्री लक्ष्मी मेटल उद्योग लि., सं. 9 से 11, केआइडीबी इंडस्ट्रीयल एरिया अतीबेले, बालागरानाहल्ली गांव, अनेकल तालुका, बंगलौर-562107	यांत्रिकी व सामान्य इंजिनियरिंग उद्देश्यों के लिए स्टील ठ्यूब्स	3601 : 1984

1	2	3	4	5	6
84.	6525369	19-09-2005	शान्मद पाइप इंडस्ट्रीज प्रा.लि., 209/394, चांदपूरा गांव, होसूर मेन रोड, अतिबेले अनेकल तालुक, बंगलौर-560081	बोर-नलकूपों के लिए अनम्यकृत पी वी सी जाली और आवरक पाइप	12818 : 1992
85.	6525874	20-09-2005	सिंधु प्लास्टिक्स, प्लॉट सं. 35 बी, शिवाली इंडस्ट्रीयल एरिया, मनीपाल, अलेवूर रोड, मनीपाल-576104 उडीपी जिला	सिंचाई उपस्कर-स्प्रिंकलर पाइप भाग 1 पालीएथिलिन पाइप	14151 (भाग 1) : 1999
86.	6526775	23-09-2005	सुदर्शन एक्सट्रूशनस प्रा.लि., प्लॉट सं. 105, फेज IV, बोम्मासंद्रा इंडस्ट्रीयल एरिया, होसूर रोड, बंगलौर-560099	बोर-नलकूपों के लिए अनम्यकृत पी वी सी जाली और आवरक पाइप	12818 : 1992
87.	6527171	23-09-2005	ब्लू स्ट्रीम एक्वाटैक (प्रा.) लि. 36/2, रेड्डी कंपाउण्ड, पुट्टनहल्ली, जे पी नगर, सातवां फेज, बंगलौर-560078	पैकेजबंद पेय जल (पैकेजबंद प्राकृतिक पेय जल के अलावा)	14543 : 2004
88.	6527272	27-09-2005	विमल विनीयरस, सं. 71/ए, इलैक्ट्रानिक सिटी, डोडा टोगुर गांव, होसूर रोड, बंगलौर-560100	लकड़ी के सपाट दरवाजे के शटर (टोस कोर प्रकार) भाग 1 प्लाईवुड सतहयुक्त पल्ले	2202 (भाग 1) : 1999
89.	6528173	5-10-2005	पवन जल प्रा.लि. सर्वे सं. 18/1, पुराना बी एम रोड, हनसूर-571105 मैसूर	पैकेजबंद पेय जल (पैकेजबंद प्राकृतिक पेय जल के अलावा)	14543 : 2004
90.	6528779	7-10-2005	बृंदावन बीवरेजस प्रा.लि., सर्वे सं. 193, 194 व 195, हीरेबगनल गीनेगारा पोस्ट, कोपल-583228	पैकेजबंद पेय जल (पैकेजबंद प्राकृतिक पेय जल के अलावा)	14543 : 2004
91.	6528981	7-10-2005	श्रीराम ज्वैलस, 160, एवेन्यू रोड सर्कल, बंगलौर-560002	स्वर्ण व स्वर्ण मिश्रित आभूषणों/ शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999
92.	6529377	17-10-2005	फ्लैट केबलस एण्ड एलैड प्रोडक्ट्स सं. 56, चौथा क्रॉस, पीएनटी कॉलोनी, वेंकटेशपुरम, बंगलौर-560045	1100 वो तक कार्यकारी वोल्टता के लिए पीवीसी रोधित केबलस	694 : 1990
93.	6530059	21-10-2005	सबरी होमवेल कॉर्पोरेशन, सं. 8, 9 व 10 पंथरपालया, मैसूर रोड, बंगलौर-560039	पिटवां एल्यूमिनियम के बर्तन- कूकिंग टेबल, सर्विंग, भंडारण व बेकिंग के बर्तन	1660 (भाग 1) : 1982
94.	6530362	24-10-2005	प्रेस्टीज केबल प्रा.लि., सर्वे सं. 1 ए 4, यूनिवर्सिटी रोड कुट्टर पडाव रोड, मैंगलौर-574183	1100 वो तक कार्यकारी वोल्टता के लिए पीवीसी रोधित केबलस	694 : 1990

1	2	3	4	5	6
95.	6530963	27-10-2005	एम डी एंटरप्राइजेस, सर्वे सं. 105/2, नागोनदनाहल्ली, मेन रोड वाइटफिल्ड, बैंगलौर-560066	पैकेजबंद पेय जल (पैकेजबंद प्राकृतिक पेय जल के अलावा)	14543 : 2004
96.	6531162	28-10-2005	एमपीपी एंटरप्राइजेस, 90/1-23, चिट्टलनगर, दूसरा मेन रोड, मार्केण्डेय लेआउट, बैंगलौर-560026	निमज्जणीय पम्पसेट	8034 : 2002
97.	6531263	28-10-2005	एमपीपी एंटरप्राइजेस, 90/1-23, चिट्टलनगर, दूसरा मेन रोड, मार्केण्डेय लेआउट, बैंगलौर-560026	निमज्जणीय पम्पसेटों के लिए मोटर	9283 : 1995
98.	6531465	28-10-2005	वीवा ऑटो एक्ससरीज (इंडिया) इंक प्लॉट सं. 7/बी-2, सर्वे सं. 34 बी के कंगराली इंडस्ट्रीयल एरिया, बेलगाम	स्कूटर व मोटरसाइकिल चालकों के लिए सुरक्षा हेलमेट	4151 : 1993
99.	6531566	31-10-2005	लियो मेटल प्रा. लि., 265/बी, बोम्मासंद्रा इंडस्ट्रीयल एरिया, अनेकल तालुक, बैंगलौर-562158	पिटवां एल्यूमिनियम के बर्तन- कूकिंग टेबल, सर्विंग, भंडारण व बेकिंग के बर्तन	1660 (भाग 1) : 1982
100.	6532366	07-11-2005	स्वामी कंक्रीट प्रोडक्ट्स, प्लॉट सं. 35, केआइडीबी इंडस्ट्रीयल एरिया, हीरिहल्ली पोस्ट, तुमकूर जिला-572168	पूर्व ढलित कंक्रीट मैनहोल के ढक्कन व फ्रेम	12592 : 2002
101.	6533974	21-11-2005	राजलक्ष्मी ज्वैलस, राजलक्ष्मी आर्केड सं. 228/15, नवां मेन, तीसरा ब्लॉक, जयनगर, बैंगलौर-560011	स्वर्ण व स्वर्ण मिश्रित आभूषणों/ शिल्पकारी-शुद्धता व मुहरांकन	1417 : 1999

[सं. सी एम डी-1/13 : 11]

एस. एम. भाटिया, उप महानिदेशक (मुहर)

New Delhi, the 2nd January, 2005

S.O. 13.—In pursuance of Sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Operative Date	Name and Address (Factory) of the party	Title of the Standard	IS No. Part/Sec Year
1	2	3	4	5	6
I.	6472273	6-9-2004	Cauvery Cables & Conductors 99/4, Pilamma Garden, Nagwara Main Road, Bangalore-560023	PVC Insulated cables for working voltages upto and including 1100 V	694 : 1990

1	2	3	4	5	6
2.	6472576	9-9-2004	Myso Tech Industries No. 36, I Cross, Avalahalli Main Road, New Timbaryard Layout, Mysore Road, Bangalore-560026	Winding Wires for Sub- mersible Motors—Specification— Part 4 : Specification for Individual Wires— Section 3 : Polyester and Polypropylene Insulated Wires	8783(Part 4) Section 3 : 1995
3.	6472879	9-9-2004	Aradhya Wire Ropes Pvt. Ltd. P.B. Road, Averegere, Davangere-577003	Specification for Steel Wires Suspension Ropes for Lifts, Elevators and Hoists	2365 : 1977
4.	6474176	17-9-2004	Gemini Graphics Pvt. Ltd. Unit III, Paper Division Sy. No. 106-107, Kamthana Village, Bidar-585226	Paper for magnetic ink character recognition cheque printing	11087 : 1986
5.	6474277	21-9-2004	Flat Cables & Allied Products No. 56, 4th Cross, P & T Colony, Venkateshpuram, Bangalore-560045	Three-pin plugs made of resilient material	6538 : 1971
6.	6475077	27-9-2004	Tarun Polymers 14B, B Cross, Gopalapuram Behind Minerva Mills, Magadi Road, Bangalore-560023	PVC Insulted cables for working voltages upto and including 1100 V	694 : 1990
7.	6476180	30-9-2004	Sri Balaji Minerals No. 137/42, III Cross, K.N. Extension Yeshwanthpur, Bangalore-560022	Packaged Drinking Water (Other than Packaged Natural Mineral Water)— Specification	14543 : 2004
8.	6476483	4-10-2004	Sankeshwar Mineral Pvt. Ltd., VRL Complex, 17th Km, Hubli, Bangalore Road NH4, Varur Dharwad Karnataka	Packaged Drinking Water (Other than Packaged Natural Mineral Water)— Specification	14543 : 2004
9.	6476685	7-10-2004	Jameela Wood Industries Derebail Konchady, Ashoka Nagar Post Mangalore, Dakshin Kannada-575006	Block Boards	1659 : 1990
10.	6477687	18-10-2004	South India Cements Limited Survey No. 367, Malkhed, Gulbarga	43 grade ordinary Portland cement	8112 : 1989
11.	6477889	19-10-2004	Shri Lakshmi Metal Udyog Ltd. No. 9 to 11, Kiadb Industrial Area, Balagaranahalli Village, Anekal Taluk, Attibele, Bangalore-562107	Steel Tubes, Tubulars and Other Wrought Steel Fitt- ings-Specification- Part I : Steel Tubes	1239 (Part I) : 1990
12.	6477990	19-10-2004	Shri Lakshmi Metal Udyog Ltd. No. 9 to 11, Kiadb Industrial Area, Balagaranahalli Village, Anekal Taluk, Attibele, Bangalore-562107	Steel Tubes, for Structural Purposes	1161 : 1998

1	2	3	4	5	6
13.	6478083	20-10-2004	Accurate Cables Private Limited, No. 45, Srigandada Kavalu, Hanumanthanagar, Viswancedam Post, Magadi Road, Bangalore-560091	PVC Insulated cables for working voltages upto and including 1100 V	694 : 1990
14.	6478184	20-10-2004	Krishna Polymach Pvt. Ltd., 86-L, Jigani Industrial Area, Jigani Anekal Taluk, Bangalore-562106	High density polyethylene pipes for potable water supplies	4984 : 1995
15.	6479085	03-11-2004	R. G. Gas (India), 54, Badrappa Industrial Estate, 7th Cross, Kamakshipalya, Bangalore-560079	Domestic Gas Stoves for use with Liquefied Petroleum Gases	4246 : 2002
16.	6480171	16-11-2004	Rajamahal Fancy Jewellers, Door No. 6, Ward No. 4, Bangalore Road, Bellary-583101	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417 : 1999
17.	6482175	02-12-2004	Rishabh Jewellers, No. 58, Nagarathpet Main Road, Bangalore-560002	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417 : 1999
18.	6482680	03-12-2004	D.M. Cements Private Limited, Sy. No. 56/4, Granthapura, Srirampura Hobli, Hosadurga Taluk, Chitradurga	53 grade ordinary Portland Cement	12269 : 1987
19.	6482781	03-12-2004	Metro Drip Irrigation Pvt. Ltd., No. 27, 4th Cross, K.S. Garden, Lalbagh Road, Bangalore-560027	Irrigation Equipment- Emitters	13487 : 1992
20.	6482983	03-12-2004	Swadesh Enterprises, Plot No. 193, Industrial Area, Baikampady, Mangalore, Uttar Kannada-575011	Block Boards	1659 : 1990
21.	6483581	08-12-2004	Himadri Irrigation, 267, 4th Phase, Peenya Indl. Area, Bangalore-560058	Irrigation Equipment- Emitters	13487 : 1992
22.	6484589	09-12-2004	Swadesh Enterprises, Plot No. 193, Industrial Area, Baikampady, Mangalore, Uttar Kannada-575011	Plywood for general purposes	303 : 1989
23.	6485181	12-12-2004	Pavan Cables (India) Ltd., 20, 6th Cross, Kavery Layout, Amarjyothinagar, Bangalore-560040	PVC Insulated cables for working voltage upto and including 1100 V	694 : 1990
24.	6486587	12-12-2004	Vijayalaxmi Ply. Industries, Plot No. 49, Jigani Industrial Area, Anekal Taluk, Bangalore-562106	Plywood for general purposes	303 : 1989

1	2	3	4	5	6
25.	6488591	30-12-2004	Champion Pipe Industries, 18/4, 1st Main Road, Deepanjali Nagar, Mysore Road Cross, Bangalore-560026	Irrigation Equipment- Emitters	13487 : 1992
26.	6488692	30-12-2004	Vijayalakshmi Ply Industry, Plot No. 49, Jigani Industrial Area, Anekal Taluk, Bangalore-562106	Block Boards	1659 : 2004
27.	6491277	27-01-2005	Supreme Drip System, No. 41/1, 2nd Main Aziz Sait Industrial Town, Nayandahalli, Bangalore-560039	Irrigation Equipment- Emitters	13487 : 1992
28.	6491378	28-01-2005	Nava Karanataka Steels Pvt. Ltd. P.B. No. 46, Anantapur Road, Bisilahalli Village, Bellary-583101	High strength deformed steel bars and wires for concrete reinforcement	1786 : 1985
29.	6491782	31-01-2005	S.V. Rubber Industry, Plot No. 19(B), Industrial Area, Chickballapur, Kolar-562101	Rubber Sealing Rings for Gas Mains, Water Mains and Sewers	5382 : 1985
30.	6492683	31-01-2005	Sheetal Jewellers, Kathare Building, Gandhi Chowk Circle, Dharwad-580001	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417 : 1999
31.	6492986	01-02-2005	A. N. Enterprises, No. 18, 1st Floor, Arekempahally Siddapura Bangalore-560011	Feed Fork for Sewing Machines for Househo purposes	4181 : 1967
32.	6493079	01-02-2005	S.P. Tool Tech (Unit 2) No. 8/4, 14th C Cross, Agrahara Dasarahalli, Bangalore-560079	Low-voltage Switchgear and Control gear, Part 4 : Contractors and Motor Starters—Section 1 : Electromechanical Contactors and Motor Starters	13947 (Part 4) (Section 1) : 1993
33.	6493584	07-02-2005	Glow Cast, Plot No. 76 and 104, Machhe Industrial Estate, Machhe, Belgauni-590014	Cast-iron steps for manholes	5455 : 1969
34.	6495487	18-02-2005	S. S. Pumps and Motors, C-4, Industrial Estate Tamaka, Kolar-563101	Submersible Pumpsets	8034 : 2002
35.	6495790	22-02-2005	G. K. M. Electrical Service, 679 (83/3), 11th Cross, 11th Main Prakash Nagar, Bangalore-560021	Three-phase induction motors	325 : 1996

1	2	3	4	5	6
36.	6496388	24-02-2005	Sindu Plastics, Plot No. 35-B, Shivalli Industrial Area Manipal- Alevoor Road, Manipal, Dakshin Kannada-576104	High density polyethylene pipes for potable water supplies	4984 : 1995
37.	6497188	28-02-2005	B. T. P. Structural (India) Pvt. Ltd. Plot No. 138 to 143, Jamboti Road, Macche Industrial Estate Belgaum-590014	Welded Low Carbon Steel Cylinders Exceeding 5 Litre Water Capacity for Low Pressure Liquefiable Gases Part 2 : Cylinders for Liquefiable Gases other than LPG	3196 (Part 2) : 1992
38.	6497087	28-02-2005	Flamepack (Manipal), B-30, Ksside Industrial Estate Alevoor Road, Manipal, Dakshin Kannada-576119	Electrical Apparatus for Explosive Gas Atmospheres- Flameproof Enclosures "d"	2148 : 2004
39.	6498291	08-03-2005	Dhanushri Industries, No. 58, Near S.V.B. Stone Crusher Tirupalya, Bommasandra Industrial Area, Bangalore-560100	Irrigation Equipment— Strainer-type Filters	12785 : 1994
40.	6498392	08-03-2005	Raaja Laxmi Wood Industries R.S. No. 5357/5291, Near Someshwar Temple, B.K. Road, Magadi, Bangalore Rural-562120	Plywood for general purposes	303 : 1989
41.	6498493	08-03-2005	Raaja Laxmi Wood Industries R.S. No. 5357/5291, Near Someshwar Temple, B.K. Road, Magadi, Bangalore Rural-562120	Wooden flush door shutters (Solid core type) : Part I, Plywood face panels	2202 (Part 1) : 1999
42.	6498695	10-03-2005	Bharni Appliances, No. 6330, Khatha No. 555, K.N. Govindareddy Layout, 3rd Cross, Arekere Mico Layout, Bangalore-560076	Domestic Gas Stoves for use with Liquefied Petroleum Gases	4246 : 2002
43.	6498998	11-03-2005	Laxmidas Jewellers, D. No. 14-3-187/11 to 14, Souza Arcade Balmatta Road, Mangalore, Dakshin Kannada-575001	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417 : 1999
44.	6499091	11-03-2005	Hassan Agro Industries, Plot No. 343, Kiadb Industrial Growth Centre, H.N. Pura Road, Hassan-573201	Copper sulphate	261 : 1982
45.	6499192	11-03-2005	Raaja Laxmi Wood Industries, R.S. No. 5357/5291, Near Someshwar Temple, B.K. Road Magadi, Bangalore Rural-562120	Block Boards	1659 : 2004

1	2	3	4	5	6
46.	6499394	15-03-2005	G.L. Acharya Jewellers, G. L. Complex Puttur Dakshin Kannada-574201	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417 : 1999
47.	6499495	15-03-2005	Vimal Veneers, 71/4, Electronic City, Doddathogur Village, Hosur Road, Bangalore-560100	Plywood for general purposes	303 : 1989
48.	6499697	18-03-2005	Multi Packaging, No. 60/8A, Munnireddy Building, Kodichikkanahalli Road, Kaverinagar, Bomman- ahalli, Bangalore-560068	General requirements for packages of explosives : Part I Commercial high explosives	10212 (Part 1) : 1986
49.	6500252	21-03-2005	Hassan Gems and Jewellery Pvt. Ltd., No. 10/2 and 10/4, Lalbagh Road, Richmond Circle, Bangalore-560025	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417 : 1999
50.	6500353	23-03-2005	Sudhakar Polymers Limited, Unit II, Plot No. 193 to 196, Phase III, Kiadb Industrial Area, Bellary-583102	Unplasticized PVC Pipes for Potable Water Supplies	4985 : 2000
51.	6500555	23-03-2005	Sudhakar Polymers Limited, Unit II, Plot No. 193 to 196, Phase III, Kiadb Industrial Area, Bellary-583102	Conduits for electrical installations : Part 3, Rigid plain conduits of insulating materials	9537 (Part 3) : 1983
52.	6500757	24-03-2005	Maruti Plywood Industry, 48/1 and 49, New Timber Market (Yard) Unkal Hubli, Dharwad-580031	Block Boards	1659 : 2004
53.	6500858	24-03-2005	Karanji Industries, 27-A/13, 2nd Cross, Kathriguppa Main Road, Bangalore-560085	Packaged Drinking Water (Other than Packaged Natural Mineral Water)-Specification	14543 : 2004
54.	6500959	24-03-2005	Maruti Plywood Industry, 48/1 and 49, New Timber Market (Yard) Unkal Hubli, Dharwad-580031	Plywood for general purposes	303 : 1989
55.	6501153	28-03-2005	Bawa Plywoods Pottolike Montepadavu Post Naringana Village Bantwal Taluk Dakshina Kannada-574153	Block Boards	1659 : 2004
56.	6501254	28-03-2005	Bawa Plywoods Pottolike Montepadavu Post Naringana Village Bantwal Taluk Dakshina Kannada-574153	Plywood for general purposes	303 : 1989
57.	6501456	30-03-2005	Nirani Cements Private Limited, Ningapur Industrial Area, Mudhol, Bagalkot-587313	43 Grade Ordinary Portland Cement	8112 : 1989

1	2	3	4	5	6
58.	6501557	30-03-2005	Vimal Veneers, 71/A, Electronic City, Doddathogur Village, Hosur Road, Bangalore-560100	Block Boards	1659 : 2004
59.	6501658	30-03-2005	The Mysore Chipboards Limited, Mysore-Hunsur Road, Hinkal, Mysore-570017	Marine Plywood	710 : 1976
60.	6501860	31-03-2005	Vijayalakshmi Ply Industries, Plot No. 49, Jigani Industrial Area, Ankal Taluk, Bangalore-562106	Wooden flush door shutters (Solid core type) : Part 1, Plywood face panels	2202 (Part 1) : 1999
61.	6501961	30-03-2005	Maruthi Power Systems and Engineering, No. D-10, Shanthipura Main Road, Electronic City, II Phase, Bangalore-560100	Powers Capacitors of Self- healing Type for AC Power Systems having Rated Voltage upto 650 V- Specification	13340 : 1993
62.	6502256	31-03-2005	Sudarshan Extrusions Pvt. Ltd., Plot No. 105, Phase IV, Bonmasandra Industrial Area, Hosur Road, Bangalore-560099	Unplasticized PVC Pipes for Potable Water Supplies	4985 : 2000
63.	6507064	28-04-2005	Mother Dairy, Unit of KMF, Yelahanka, GKVK Post, Bangalore-560065	Milk Powder	1165 : 2002
64.	6507872	10-05-2005	Malabar Jewels and Gems (P) Ltd. 14/1, Opp. Tempo Stand, Dickenson Road, Bangalore-560042	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417 : 1999
65.	6512461	27-06-2005	GKM Electrical Service, 679 (83/3), IIIrd Cross, IInd Main, Prakash Nagar, Bangalore-560021	Single-phase small AC and universal electric motors	996 : 1979
66.	6512966	27-06-2005	Shand Pipe Industry Pvt. Ltd., 209/394, Chandapura Village, Hosur Main Road, Attibeli Hobli Anekal Taluk, Bangalore-560081	High density polyethylen pipes for potable water supplies	4984 : 1995
67.	6513059	28-06-2005	Visaka Industries Limited, 27/1, Nagenahalli Village, Kempanadodderi Post, Kora Hobli Tumkur-572138	Indian Standard Corrugated and semi-corrugated asbestos cement sheets	459 : 1992
68.	6513362	29-06-2005	Bhima Jewellers, 45, Dickenson Road, Next to Manipal Centre, Bangalore-560042	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417 : 1999
69.	6513968	30-06-2005	Petro Gas Inc, No. 138/11, IIIrd Cross, Pantharapalya Nayandahalli Post, Bangalore-560039	Domestic Gas Stoves for use with Liquefied Petroleum Gases	4246 : 2002

1	2	3	4	5	6
70.	6514869	06-07-2005	Bharat Heavy Electricals Ltd., Electronics Division, P.B. No. 2606, Mysore Road, Bangalore-560026	AC Static Transformer Operated Watthour and Var- hour Meters, Class 0.2 S and 0.5 S - Specification	14697 : 1999
71.	6518069	03-08-2005	KVSR Foods and Beverages (P.) Ltd., Plot No. 262B and 263, III Phase Bommasandra Industrial Area Bommasandra, Bangalore-562158	Packaged Drinking Water (Other than Packaged Natural Mineral Water) - Specification	14543 : 2004
72.	6518978	09-08-2005	Mother Dairy, Unit of KMF, Yelahanka, G K V K post, Bangalore-560065	Skim Milk Powder-Speci- fication - Part 2 : Extra Grade	13334 (Part 2) : 1992
73.	6519071	12-08-2005	Maple Corporation, No. 58/C, 1st B.D.A., Mainland Road, A.P.M.C. Yard Area, Yeswantpur, Bangalore-560022	Packaged Drinking Water (Other than Packaged Natural Mineral Water) - Specification	14543 : 2004
74.	6519277	12-08-2005	Vikram Industries, No. 6/17, IIInd Main Road, Padarayanapura, Bangalore-560026	Domestic Pressure Cookers	2347 : 1995
75.	6520662	22-08-2005	Suman Shudha Abharna (P) Ltd., No. 604, 62nd Cross, 5th Block, Near Bhashyam Circle, Rajajinagar, Bangalore-560010	Gold and Gold Alloys, Jewellery/Artefacts - Fineness and Marking	1417 : 1999
76.	6521664	30-08-2005	Tunga PVC Pipes Pvt. Ltd., No. 134, Bommasandra Industrial Area, Hosur Road, Bangalore-562158	Unplasticized PVC screen and casing pipes for bore/ tubwell	12818 : 1992
77.	6521866	31-08-2005	Rishi Polymach Pvt. Ltd., 16/A, Belagola Industrial Estate, K.R.S. Road, Mysore-570016	High density polyethylene pipe for sewerage	14333 : 1996
78.	6522161	01-09-2005	Prathibha Jewellery House 1/1, Rija Ram Mohan Roy Road, Richmond Circle, Bangalore-560025	Gold and Gold Alloys, Jewellery/Artefacts - Fineness and Marking	1417 : 1999
79.	6523769	12-09-2005	Standard Cement Pipe Industries Post Shedbal, Athani Taluk Belgaum-591315	Precast Concrete Pipe with and without Reinforcement	458 : 2003
80.	6524367	13-09-2005	P.R. Polymers Shinoga Road N.R. Pura Taluk Chiccmangalore-577134	Unplasticized PVC Pipesor Potable Water Supplies	4985 : 2000

1	2	3	4	5	6
81.	6524569	13-09-2005	D.M. Cements Private Limited Sy. No. 56/4, Granthapur Srgrampura Hobli Hosdurga Taluk Chitradurga	Portland pozzolana Cement Part-I Flyash based	1489 (Part I) : 1991
82.	6524670	14-09-2005	Shri Krishna Pipe Industries at Karki, Hattiangadi Kundapur Udupi-576283	Unplasticized PVC Pipe or Potable Water Supplies	4985 : 2000
83.	6525167	15-09-2005	Shri Lakshmi Metals Udyog Limited No. I to II, KIADB Industrial Area, Balagaranahalli, Village, Anekal Taluk, Attibele, Bangalore-562107	Steel tubes for mechnal and general Engineering purposes	3601 : 1984
84.	6525369	19-09-2005	Shand Pipe Industries Pvt. Ltd., 209/394, Chandapura Village, Attibele Hobli, Aneka Taluk Bangalore-562145	Unplasticized PVC screen and casing pipes for bore/tubwell	12818 : 1992
85.	6525874	20-09-2005	Sindu Plastics Plot No. 35-B, Shivalli Industrial Area Manipal Alevoor Road Manipal Dakshini Kannad-576104	Irrigation Equipment Prinkler Pipes—Specification—Part I Polythylene Pipes	14151 (Part I) : 1999
86.	6526775	23-09-2005	Sudarshan Extrusions Pvt. Ltd. Plot No. 105, Phase IV, Boamasandra Industrial Area, Hosur Road, Bangalore-560099	Unplasticized PVC screen and casing pipes for bore/tubwell	12818 : 1992
87.	6527171	23-09-2005	Blue Stream Aquatec (P) Ltd. 36/2, Reddy Compound Putenahalli, J.P. Nagar, 7th Phase, Bangalore-560078	Packaged Drinking Water (Other than Packaged Natural Mineral Water) - Specification	14543 : 2004
88.	6527272	27-09-2005	Vimal Vencers 71/A, Electronic City, Dodda Thogur Village, Hosur Road, Bangalore-560100	Wooden flush door shutters (solid core type) : Part I Plywood face panels	2202 (Part I) : 1999
89.	6528173	5-10-2005	Pawan Jal Private Limited Survey No. 18/1, Old B.M. Road, Hunsur, Mysore-571105	Packaged Drinking Water (Other than Packaged Natural Mineral Water) - Specification	14543 : 2004
90.	6528779	7-10-2005	Brindavan Beverages Pvt. Ltd. Sy No. 193, 194 & 195, Hirebaganal Gingara Post, Koppal-583228	Packaged Drinking Water (Other than Packaged Natural Mineral Water) - Specification	14543 : 2004
91.	6528981	7-10-2005	Sree Rama Jewels. 160, Avenuc Road (Circle) Bangalore-560002	Gold and Gold Alloys, Jewellery/Artefacts - Fineness and Marking	1417 : 1999

1	2	3	4	5	6
92.	6529377	17-10-2005	Flat Cables & Allied Products No. 56, 4th Cross, P & T Colony, Venkateshpuram, Bangalore-560045	PVC Insulated cables for working voltages upto and including 1100 V	694 : 1990
93.	6530059	21-10-2005	Sabari Homwell Corporation No. 8, 9 & 10, Pantharapalya Nayandahalli, Mysore Road, Bangalore-560039	Wrought Aluminium Utensils Part I : Cooking table, serving storing and baking utensils	1660 (Part I) : 1982
94.	6530362	24-10-2005	Prestige Cable Private Limited Sy. No. 1 A 4, University Road, Kuttar-Padav, Mangalore, Dakshini Kannada-574183	PVC Insulated cables for working voltages upto and including 1100 V	694 : 1990
95.	6530963	27-10-2005	M.D. Enterprises Sy No. 105/2, Nagondanahalli Main Road, White Field, Bangalore-560066	Packaged Drinking Water (Other than Packaged Natural Mineral Water)—Specification	14543 : 2004
96.	6531162	28-10-2005	M.P.P. Enterprises 90/1-23, Vittal Nagar, 2nd Main Road, Markandeya Layout, Bangalore-560026	Submersible Pumpsets	8034 : 2002
97.	6531263	28-10-2005	M.P.P. Enterprises 90/1-23, Vittal Nagar, 2nd Main Road, Markandeya Layout, Bangalore-560026	Motors for Submersible Pumpsets	9283 : 1995
98.	6531465	28-10-2005	Viva Auto Accessories (India) INC Plot No. 7/B-2, Sy No. 34, B.K. Kangrali Industrial Area, Belgaum-590006	Protective helmets for scooter and motorcycle riders	4151 : 1993
99.	6531566	31-10-2005	Leo Metal Pvt. Ltd., 265/B, Bommasandra Industrial Area, Anekal Taluk, Bangalore-560099	Wrought Aluminium Utensils Part I : Cooking table, serving storing and baking utensils	1660 (Part I) : 1982
100.	6532366	7-11-2005	Swamy Concrete Products Plot No. 35, KIADB, Industrial Area, Hirehalli Post, Tumkur Distt.-572168	Precast Concrete Manhole Cover and Frame	12592 : 2002
101.	6533974	21-11-2005	Rajalaxmi Jewels, Rajalaxmi Arcade No. 228/15, 9th Main, 3rd Block Jayanagar, Bangalore-560011	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417 : 1999

[No. CMD-I/13 : 11]

S.M. BHATIA, Dy. Director General (Marks)

नई दिल्ली 2 जनवरी, 2006

का.आ. 14.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्र. संशोधित भारतीय मानक सं. की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1	2	3
1. आई एस 13983:1994	1, नवम्बर 2005	21 दिसम्बर, 2005

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सीईडी/राजपत्र]

जे.सी. अरोड़ा, वैज्ञानिक 'ई' व प्रमुख (सिविल इंजीनियरी)

New Delhi, the 2nd January, 2006

S.O. 14.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued:

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3	4
1.	IS 13983 : 1994	1st November, 2005	21st December, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CED/Gazette]

J.C. ARORA, Sc 'E' & Head (Civil Engg.)

नई दिल्ली 2 जनवरी, 2006

का.आ. 15.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्र. संशोधित भारतीय मानक सं. की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1	2	3

- आई एस 2980 : 1999 संशोधन सं. 1, 1 दिसम्बर, 2005
बिना-दाब स्टोव- अक्टूबर 2005
विशिष्ट (तीसरा पुनरीक्षण)
- आई एस 8808 : 1999 संशोधन सं. 1, 1 दिसम्बर, 2005
संशोधन सं. 1 तेल दाब अक्टूबर 2005
स्टोव, तेल दाब हीटर के लिए बर्नर—विशिष्ट
(दूसरा पुनरीक्षण)
- आई एस 10109 : 2002 संशोधन सं. 1, 1 दिसम्बर, 2005
संशोधन सं. 1 तेल-दाब अक्टूबर 2005
स्टोव-अन्तर्लम्ब बर्नर
टाइप-विशिष्ट
(पहला पुनरीक्षण)

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमईडी/जी-2:1]

सी.के. वेदा, वैज्ञानिक 'एफ' एवं प्रमुख (यौंत्रिक इंजीनियरिंग)

New Delhi, the 2nd January, 2006

S.O. 15.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of

which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3	4
1.	IS 2980:1999 Non-Pressure stoves-Specification (Third Revision)	Amendment No. 1 Oct., 2005	1 December, 2005
2.	IS 8808:1999 Burner for oil pressure stove-sand oil pressure heaters-Specification (Second Revision)	Amendment No. 1 Oct., 2005	1 December, 2005
3.	IS 10109:2002 Oil Pressure stoves-Offset burner type—Specification (First Revision)	Amendment No. 1 Oct., 2005	1 December, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MED/G-2:1]

C.K. VEDA, Sc. 'F' & Head (Mechanical Engg.)

नई दिल्ली 3 जनवरी, 2006

का.आ. 16.— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानक (कों) के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गए हैं।

अनुसूची

क्र. सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
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1	2	3	4
1.	आई एस 9170 (भाग 2) 2005 सिरारहित डुलाई रोप क्लिप-विशिष्ट भाग 2 स्क्रू क्लिप, कैम क्लिप, स्मालमैन क्लिप और वैज क्लिप	—	30 सितम्बर, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमईडी/जी-2:1]

सी.के. वेदा, वैज्ञानिक 'एफ' व प्रमुख (यांत्रिक इंजीनियरी)

New Delhi, the 3rd January, 2006

S.O. 16.—In pursuance of clause (b) of sub-rule (1) of rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
1	2	3	4
1.	IS 9170 (Part 2): 2005 Endless haulage rope clips—Specification Part 2 Screw clip, cam clip, smallman clip and wedge clip	—	30 September, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

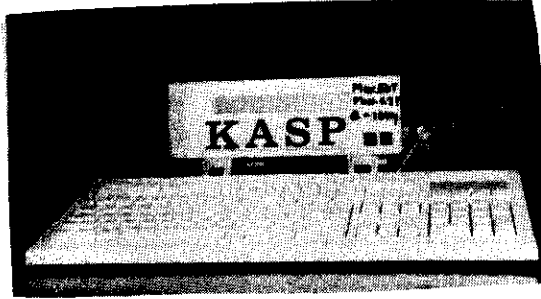
[No. MED/G-2:1]

C.K. VEDA, Sc. 'F' & Head (Mechanical Engg.)

नई दिल्ली, 24 नवम्बर, 2005

का.आ. 17.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेइंग सिस्टम प्राइवेट लिमिटेड, 15 कल्पना लोक, खफराना रोड, इन्दौर-452018 (मध्य प्रदेश) द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "कीम" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "कास्प" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/530 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित (वेब्रिज प्रकार) तोलन उपकरण जो अंकक सूचन सहित लोड सेल सिद्धान्त पर कार्य करता है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(331)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th November, 2005

S.O. 17.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of "KEAN" series of medium accuracy (Accuracy class-III) and with brand name "KASP" (hereinafter referred to as the said Model), manufactured by M/s Kasp Weighing System Pvt. Ltd., 15, Kalpana Lok Khajrana Road, Indore-452018 (M.P.), and which is assigned the approval mark IND/09/05/530;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) working on the principle of load cell with digital indication of maximum capacity of 50 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

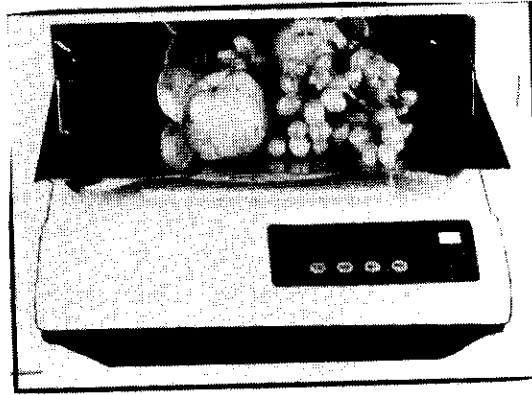
[F. No. WM-21(331)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 नवम्बर, 2005

का.आ. 18.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अम्बिका इंटरप्राइजेज, बी-209, जयप्रकाश कुंज बिल्डिंग, भायन्द्र, नर्मदा नगर, केबिन रोड, थाणे-401105, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "ए बी जे" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अम्बिका" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/542 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 5 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

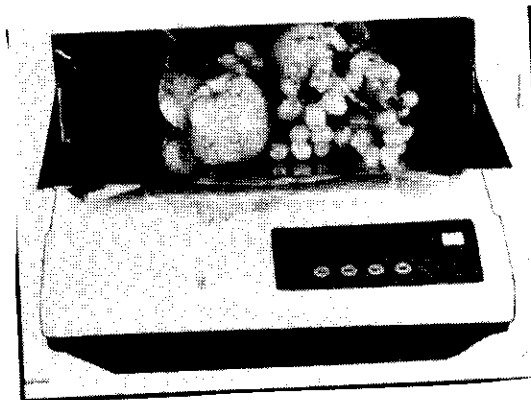
[फा. सं. डब्ल्यू एम-21(308)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th November, 2005

S.O. 18.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-Sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "ABJ" series of high accuracy (Accuracy class-II) and with brand name "AMBIKA" (hereinafter referred to as the said Model), manufactured by M/s Ambika Enterprises, B-209, Jaiprakash Kunj Building, Bhayandar, Narmada Nagar, Cabin Road, Thane-401105, Maharashtra and which is assigned the approval mark IND/09/2004/542;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-Section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

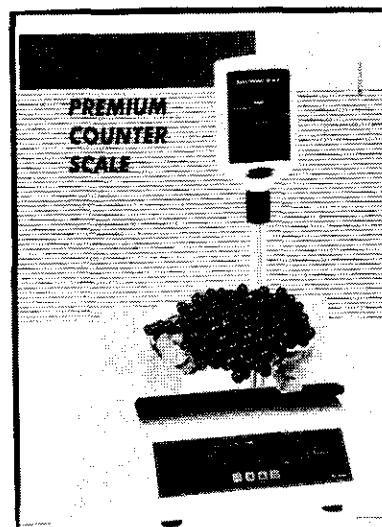
[F. No. WM-21(308)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 नवम्बर, 2005

का.आ. 19.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अम्बिका इंटरप्राइजेज, बी-209, जयप्रकाश कुंज बिल्डिंग, भायन्द्र, नर्मदा नगर, केबिन रोड, थाणे-401105, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एबीटी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अम्बिका" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/543 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 15 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

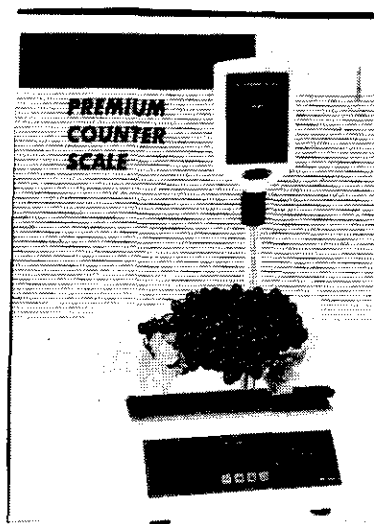
[फा. सं. डब्ल्यू एम-21(308)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th November, 2005

S.O. 19.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "ABT" series of medium accuracy (Accuracy class-III) and with brand name "AMBIKA" (hereinafter referred to as the said Model), manufactured by M/s Ambika Enterprises, B-209, Jaiprakash Kunj Building, Bhayandar, Narmada Nagar, Cabin Road, Thane-401105, Maharashtra and which is assigned the approval mark IND/09/2004/543;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 15 kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(308)/2003]

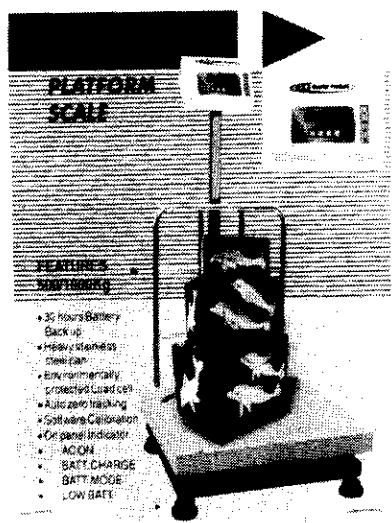
P. A. KRISHNAMOORTHY, Director of Legal Metrology

पो. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th November, 2005

S.O. 20.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of “ABH” series of high accuracy (Accuracy class-II) and with brand name “AMBIKA” (hereinafter referred to as the said Model), manufactured by M/s. Ambika Enterprises, B209, Jaiprakash Kunj Building, Bhayandar, Narmada Nagar, Cabin Road, Thane-401105, Maharashtra and which is assigned the approval mark IND/09/2004/544;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg and minimum capacity of 1Kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 1000kg with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

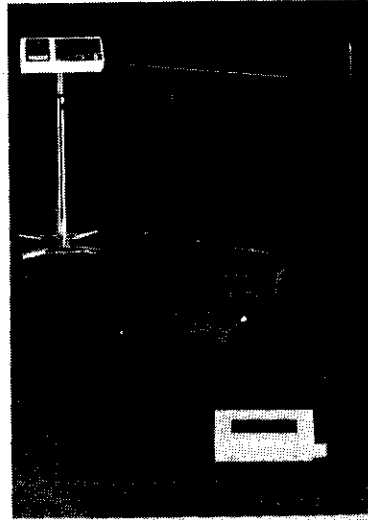
[F. No. WM-21(308)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 नवम्बर, 2005

का.आ. 21.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अम्बिका इंटरप्राइजेज, बी-209, जयप्रकाश कुंज बिल्डिंग, भायन्द्र, नर्मदा नगर, केबिन रोड, थाणे-401105 महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "ए बी पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अम्बिका" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/545 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

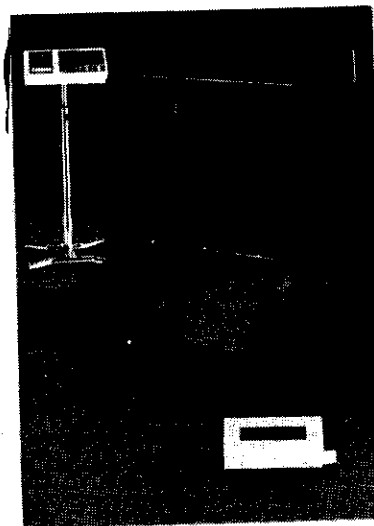
[फा. सं. डब्ल्यू एम-21(308)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th November, 2005

S.O. 21.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-Sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Platform type) weighing instrument with digital indication of "ABP" series of medium accuracy (Accuracy class-III) and with brand name "AMBIKA" (herein referred to as the said Model), manufactured by M/s Ambika Enterprises, B209, Jaiprakash Kunj Building, Bhayandar, Narmada Nagar, Cabin Road, Thane-401105, Maharashtra and which is assigned the approval mark IND/09/2004/545;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg and minimum capacity of 2Kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

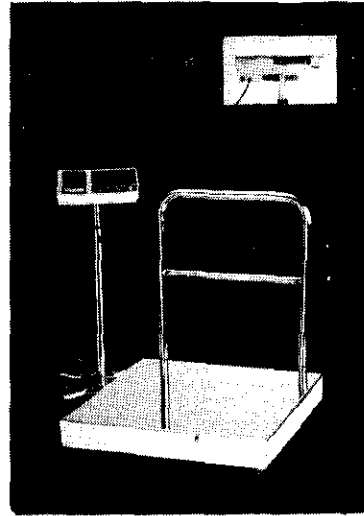
[F. No. WM-21(308)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 नवम्बर, 2005

का.आ. 22.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सेनसर इलैक्ट्रॉनिक्स, तुलसी टावर, शॉप नं. 12, साईबाबा नगर, मीरा भाईंदर रोड, मीरा रोड (पू.) मुंबई-401 107 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस ई पी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सेनसर" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/546 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

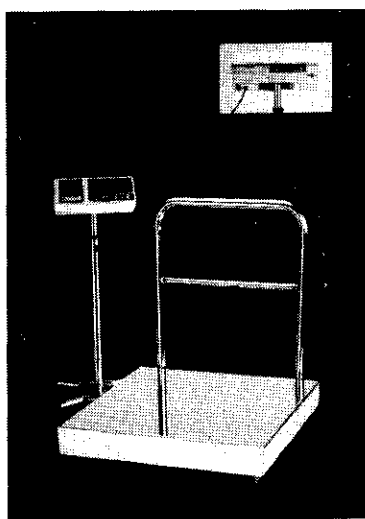
[फा. सं. डब्ल्यू एम-21(333)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th November, 2005

S.O. 22.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Platform type) weighing instrument with digital indication of "SEP" series of medium accuracy (Accuracy class-III) and with brand name "SENSOR" (herein referred to as the said model), manufactured by M/s Sensor Electronics, Tulsi Tower, Shop No. 12, Saibaba Nagar, Mira Bhaindar Road, Mira Road (E), Mumbai-401 107, Maharashtra and which is assigned the approval mark IND/09/2004/546;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 1000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

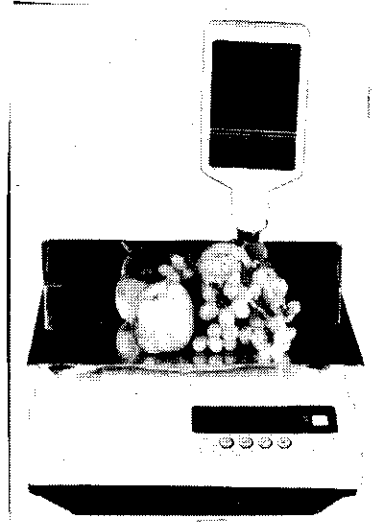
[F. No. WM-21(333)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 नवम्बर, 2005

का.आ. 23.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सेनसर इलैक्ट्रॉनिक्स, तुलसी टावर, शॉप नं. 12, साईबाबा नगर, मीरा भाईंदर रोड, मीरा रोड (पू.), मुंबई-401 107 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस ई टी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सेनसर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/547 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

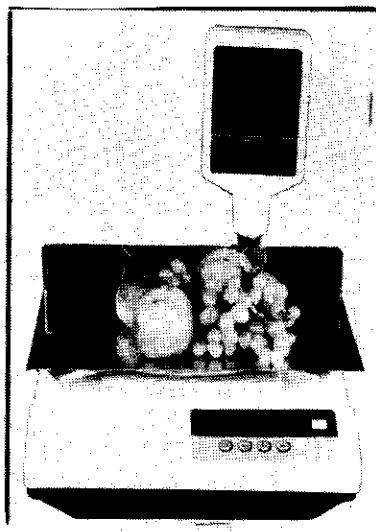
[फा. सं. डब्ल्यू एम-21(333)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th November, 2005

S.O. 23.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "SET" series of high accuracy (Accuracy class-II) and with brand name "SENSOR" (hereinafter referred to as the said model), manufactured by M/s Sensor Electronics, Tulsi Tower, Shop No. 12, Saibaba Nagar, Mira Bhaindar Road, Mira Road(E), Mumbai-40 107, Maharashtra and which is assigned the approval mark IND/09/2004/547;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instruments operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principals, design and with the same materials with which, the said approved model has been manufactured.

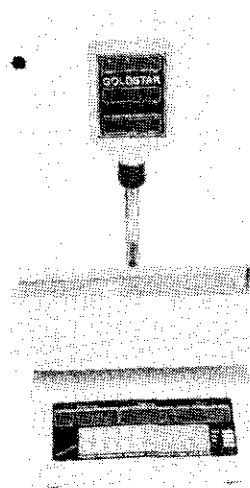
[F. No. WM-21(333)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 दिसम्बर, 2005

का.आ. 24.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स बम्बई स्केल्स एंड इलेक्ट्रॉनिक्स, कोर्ट रोड, निवाना, जौद, हरियाणा-126116 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “जी एस टी” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “गोल्ड स्टार” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/459 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

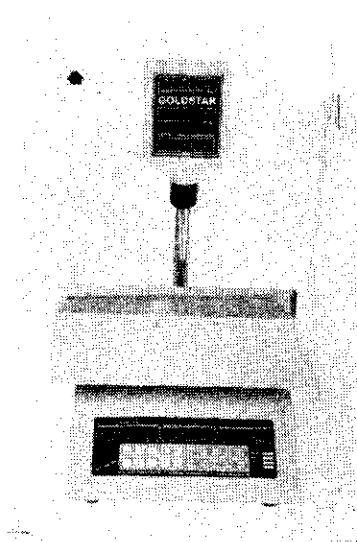
[फा. सं. डब्ल्यू एम-21(31)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th December, 2005

S.O. 24.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "GST" series of high accuracy (Accuracy class-II) and with brand name "GOLDSTAR" (herein referred to as the said Model), manufactured by M/s Bombay Scales & Electronics, Court Road, Niewana, District-Jind, Haryana-126 116 which is assigned the approval mark IND/09/05/459;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

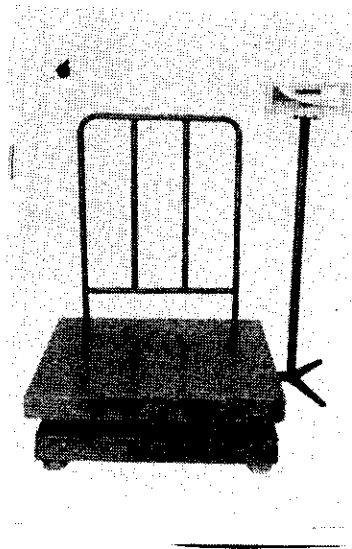
[F. No. WM-21(31)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 दिसम्बर, 2005

का.आ. 25.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स बम्बई स्केल्स एंड इलेक्ट्रानिक्स, कोर्ट रोड, निवाना, जौंद, हरियाणा-126116 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जी पी टी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "गोल्ड स्टार" है (जिसमें इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/460 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तालन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री, से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

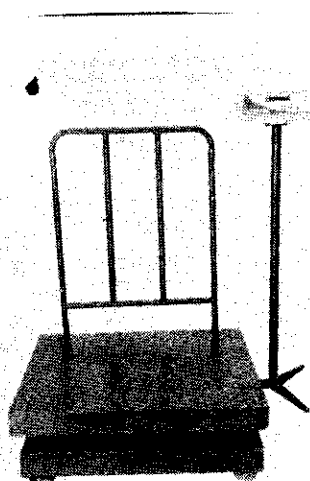
[फा. सं. डब्ल्यू एम-21(31)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th December, 2005

S.O. 25.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic weighing instrument (Platform type) with digital indication of "GPT" series of medium accuracy (Accuracy class-III) and with brand name "GOLDSTAR" (herein referred to as the said Model), manufactured by M/s Bombay Scales & Electronics, Court Road, Niewana, District-Jind, Haryana-126 116 which is assigned the approval mark IND/09/05/460;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

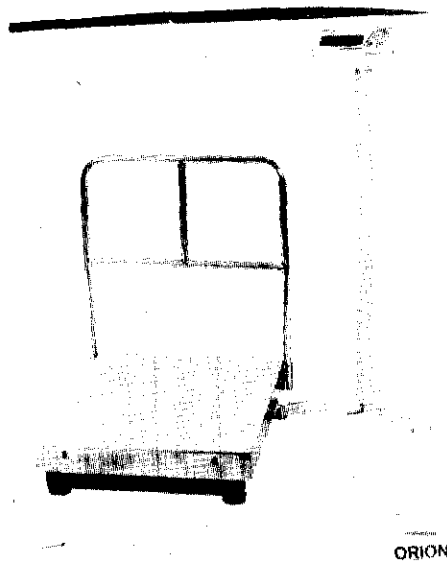
[F. No. WM-21(31)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 दिसम्बर, 2005

का.आ. 26.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स ओरियन ओटोमेशन सिस्टम्स # 96, 11 मेन, बी टी एम 1 स्टेज, बेंगलूर-560029 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "ओ एस पी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "ओरियन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/816 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 600 किलो ग्राम है और न्यूनतम क्षमता 1 किलो ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम या उससे अधिक के "ई" मान के लिए 5000 से 50000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 1000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

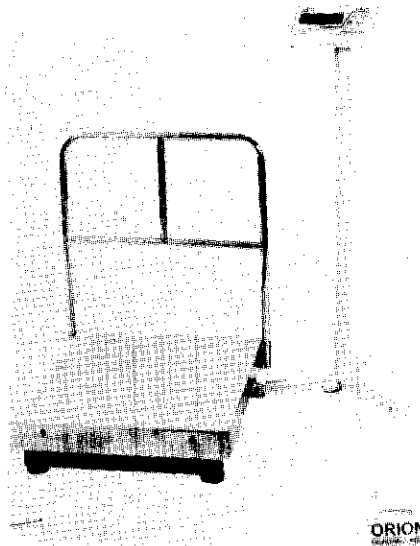
[फा. सं. डब्ल्यू एम-21(232)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th December, 2005

S.O. 26.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "OSP" series of high accuracy (Accuracy class-II) and with brand name "ORION" (hereinafter referred to as the said Model), manufactured by M/s. Orion Automation Systems, #96, 11th Main, BTM 1st Stage, Bangalore-560 029 and which is assigned the approval mark IND/09/2005/816;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600 kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity ranging above 50kg to 1000kg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

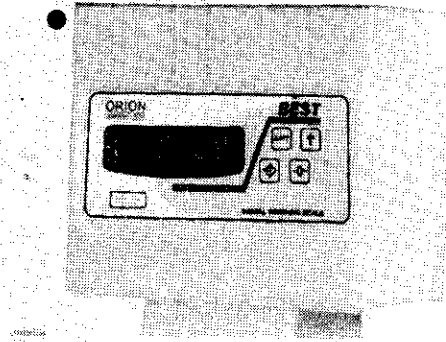
[F. No. WM-21(232)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 दिसम्बर, 2005

का.आ. 27.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ओरियन ओटोमेशन सिस्टम्स # 96, 11 मेन, बी टी एम 1 स्टेज, बेंगलूर-560029 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "बेस्ट" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म के लिए कन्वर्शन किट) के मॉडल का, जिसके ब्राण्ड का नाम "ओरियन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/816 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म के लिए कन्वर्शन किट) है। इसकी अधिकतम क्षमता 1000 किलो ग्राम है और न्यूनतम क्षमता 4 किलो ग्रा. है। सत्यापन मापमान अन्तराल (ई) 200 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टायिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 50 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

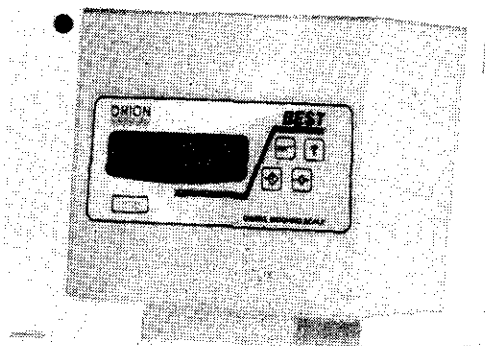
[फा. सं. डब्ल्यू एम-21(232)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th December, 2005

S.O. 27.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of, non-automatic weighing instrument (conversion kit for platform) with "BEST" series belonging to medium accuracy (Accuracy class-III) and with brand name "ORION" (herein after referred to as the said Model), manufactured by M/s Orion Automation Systems, #96, 11th Main, BTM 1st Stage, Bangalore-560029 and which is assigned the approval mark IND/09/2005/817;



The said model is a strain gauge type load cell based non-automatic weighing instrument (conversion kit for platform) with a maximum capacity of 1000 kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 50g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

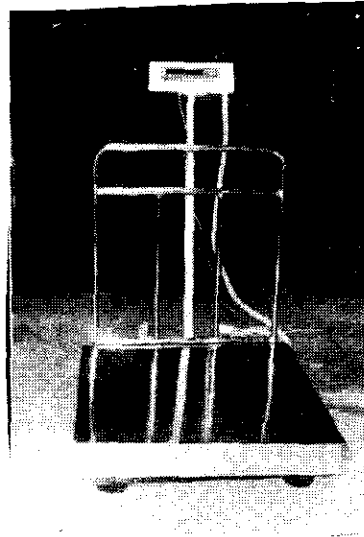
[F. No. WM-21(232)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 दिसम्बर, 2005

का.आ. 28.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हिन्दुस्तान स्केल कं., सं. 11/69, ग्वालदोली, कानपुर, उत्तर प्रदेश द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "वी ई एन पी" श्रृंखला के सादृश सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वीनस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/454 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सैल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 किलो ग्राम है और न्यूनतम क्षमता 2 किलो ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 1000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

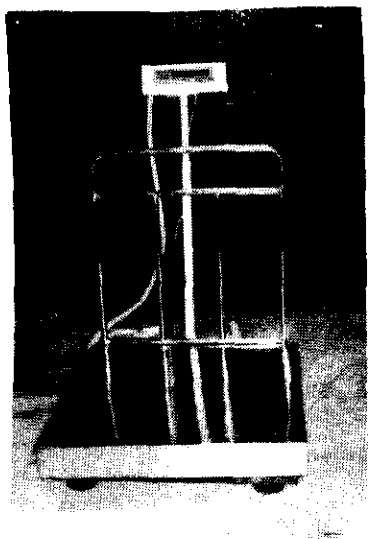
[फा. सं. डब्ल्यू एम-21(05)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th December, 2005

S.O. 28.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of “VENP” series of medium accuracy (accuracy class-III) and with brand name “VENUS” (herein referred to as the said Model), manufactured by M/s. Hindustan Scale Co., No. 11/69, Gwaltoli, Kanpur, Uttar Pradesh which is assigned the approval mark IND/09/05/454;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 1000kg. with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

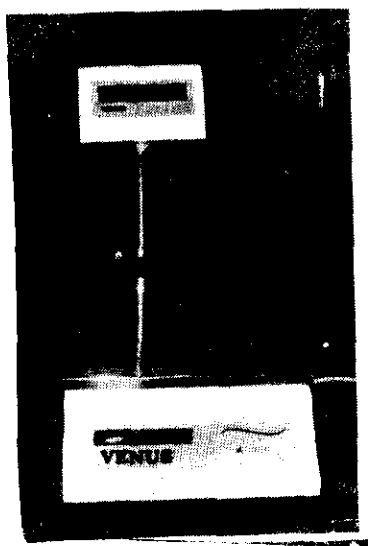
[F. No. WM-21(05)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 दिसम्बर, 2005

का.आ. 29.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हिन्दुस्तान स्केल कं., सं. 11/69, ग्वालदोली, कानपुर, उत्तर प्रदेश द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "वी ई एन टी" श्रृंखला के सादृश सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वीनस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/453 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 15 किलो ग्राम है और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यथकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 1,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} वे. हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

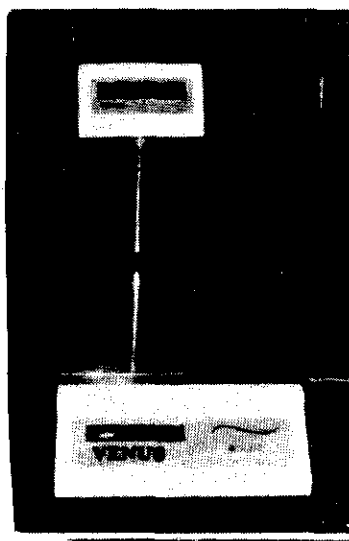
[फा. सं. डब्ल्यू एम-21(05)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th December, 2005

S.O. 29.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table Top type) with digital indication of "VENT" series of medium accuracy (accuracy class-III) and with brand name "VENUS" (herein referred to as the said Model), manufactured by M/s. Hindustan Scale Co., No. 11/69, Gwaltoli, Kanpur, Uttar Pradesh which is assigned the approval mark IND/09/05/453;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 15 kg and minimum capacity of 40 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(05)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 3 जनवरी, 2006

का. आ. 30.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2598 तारीख 12 जुलाई, 2005, जो भारत के राजपत्र तारीख 23 जुलाई, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ; और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 16 सितम्बर, 2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : सपोटरा		जिला : करौली	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1. एदलपुर		267	0.1440
		203	0.0050
		327	0.0050
2. मांडा		8	0.1757
		87	0.1116
		46	0.0144
3. खेडला		396	0.0050

[फा. सं. आर-31015/ 87/2004-ओ.आर. II]

हरीश कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 3rd January, 2006

S. O. 30.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.2598, dated the 12th July, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 23rd July, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 16th September, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule , appended to this notification , is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : SAPOTRA		DISTRICT : KARALI		STATE : RAJASTHAN	
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE		
1	2	3	4		
1.	AIDALPUR	267	0.1440		
		203	0.0050		
		327	0.0050		
2.	MANDA	8	0.1757		
		87	0.1116		
		46	0.0144		
3.	KHEDLA	396	0.0050		

[No. R-31015/ 87/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 3 जनवरी, 2006

का. आ. 31.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3129 तारीख 29 अगस्त, 2005, जो भारत के राजपत्र तारीख 3 सितम्बर, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 4 अक्टूबर, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : पलवल

जिला : फरीदाबाद

राज्य : हरियाणा

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	रायदसका	25/ 24	0.0105
		43/ 10	0.0105
		19	0.0120
		46/ 3	0.0060
		67/ 2	0.0080
		13	0.0130
		24	0.0290
		81/ 16	0.0100
		85/ 10	0.0065
		93/ 2	0.0130
		97/ 6	0.0025
		122 (नाला)	0.0380

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	शायद सिका (जारी....)	123 (रास्ता)	0.0225
		141 (रास्ता)	0.0075
		462 (रास्ता)	0.0105
2.	रुन्धी	35/ 21	0.0050
		44/ 9	0.0055
		50/ 4	0.0040
		7	0.0250
		15	0.0365
		16	0.0250
		61/ 2	0.0025
		13	0.0105
		24	0.0220
		66/ 6	0.0255
		67/ 20	0.0105
		76/ 2	0.0210
		13	0.0075
		17	0.0050
		24	0.0040
		80/ 5	0.0180
		6	0.0110
		81/ 11	0.0355
		22	0.0360
		85/ 8	0.0485
		17	0.0270
		107 (रास्ता)	0.0050
		188 (रास्ता)	0.0050
		179 (रास्ता)	0.0050
		209 (रास्ता)	0.0075
		210 (रास्ता)	0.0075
		217 (रास्ता)	0.0410
		427 (रास्ता)	0.0105
		428 (रास्ता)	0.0125
3.	सेलौटी	12/ 10	0.0010
		12	0.0040
		15/ 8	0.0025
		13	0.0250
		56/ 14	0.0025
		17	0.0075
		24	0.0100
		58/ 4	0.0305
		7	0.0380
		14	0.0380
		17	0.0260
		89 (रास्ता)	0.0550
		91 (रास्ता)	0.0275
		333 (रास्ता)	0.0050
		340 (रास्ता)	0.0050
		341 (रास्ता)	0.0050

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
4.	नागल ब्रह्मन	23/ 17 18 24/1 34/ 4 7 14 17 24 35/ 4 45/ 7 14 27/ 4 7 18 30/ 17 38/ 10 43/ 2 9/1 48/ 9 51/ 16 55/ 11 59/ 11 82 (रास्ता) 126 (रास्ता) 150 (रास्ता) 294 (रास्ता) 305 (रास्ता)	0.0225 0.0105 0.0510 0.0610 0.0835 0.0910 0.0925 0.0675 0.0215 0.0075 0.0085 0.0035 0.0135 0.0025 0.0015 0.0020 0.0045 0.0070 0.0025 0.0060 0.0015 0.0025 0.0055 0.0025 0.0130 0.0055 0.0150
5.	छज्जूनगर	11/ 19 28/ 12/1 12/2 34/ 2 9 12/2 19 48 (नाला) 49 (नाला)	0.0080 0.0030 0.0595 0.0070 0.0330 0.0250 0.0075 0.0040 0.0270
6.	रोनिजा	72/ 1 10 11 20	0.0025 0.0105 0.0415 0.0200
7.	किठवाड़ी	6/ 3 7 14 25 10/ 5 11/ 10 11 19 22 18/ 3 8	0.0070 0.0025 0.0875 0.0790 0.0150 0.0460 0.0570 0.0305 0.1010 0.0200 0.1125
8.	मांदकौल		

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
		14	0.0080
		17	0.1015
9.	सोफताका	3/ 22	0.0025
		6/ 2	0.0130
		7	0.0105
10.	हरफली	9/ 23	0.0200
		24	0.0495
		25	0.0510
		11/ 18	0.0100
		22/ 1	0.1190
		14/ 1	0.0075
		2	0.0520
		7	0.0455
		8	0.0125
		9	0.1240
		12	0.0360
		13	0.1450
		14/ 14	0.0305
		18/ 1	0.0525
		19/ 6	0.0195
		87 (रास्ता)	0.0100
11.	सहराला	7/ 16	0.0485
		8/ 6	0.0935
		7	0.0435
		14	0.0120
		18	0.0530
		19	0.0935
		20	0.1240
		21	0.0105
		22	0.0530
		23	0.0165
		9/ 9	0.0075
		10	0.0530
		15	0.0120
		10/ 11	0.0070
		13	0.0960
		14	0.1005
		15	0.0935
		11/ 11	0.0530
		12	0.0150
		12/ 18	0.0040
		72 (रास्ता)	0.0305
		81 (रास्ता)	0.0230
		91 (रास्ता)	0.0075
		8/ 17 (सहराला नाला)	0.0330
		20 (सहराला राजवाह)	0.0125
12.	बेला	45/ 5	0.0035
		46/ 21	0.0115
		22/ 2	0.0020
		297 (रास्ता)	0.0025
		298 (रास्ता)	0.0025
		299 (रास्ता)	0.0025

New Delhi, the 3rd January, 2006

S. O. 31— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.3129, dated the 29th August, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 3rd September, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 4th October, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule , appended to this notification , is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL: PALWAL		DISTRICT: FARIDABAD	STATE: HARYANA
S.NO.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
I.	RAIDHASKA	25/ 24	0.0105
		43/ 10	0.0105
		19	0.0120
		46/ 3	0.0060
		67/ 2	0.0080
		13	0.0130
		24	0.0290
		81/ 16	0.0100
		85/ 10	0.0065
		93/ 2	0.0130
		97/ 6	0.0025
		122 (Drain)	0.0380
		123 (Rasta)	0.0225
		141 (Rasta)	0.0075
		462 (Rasta)	0.0105

S.NO.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
2.	RUNDHI	35/ 21	0.0050
		44/ 9	0.0050
		50/ 4	0.0040
		7	0.0250
		15	0.0365
		16	0.0250
		61/ 2	0.0025
		13	0.0105
		24	0.0220
		66/ 6	0.0255
		67/ 20	0.0105
		76/ 2	0.0210
		13	0.0075
		17	0.0050
		24	0.0040
		80/ 5	0.0180
		6	0.0110
		81/ 11	0.0355
		22	0.0360
		85/ 8	0.0485
		17	0.0270
		107 (Rasta)	0.0050
		188 (Rasta)	0.0050
		179 (Rasta)	0.0050
		209 (Rasta)	0.0075
		210 (Rasta)	0.0075
		217 (Rasta)	0.0410
		427 (Rasta)	0.0105
		428 (Rasta)	0.0125
3.	SILAUTI	12/ 10	0.0010
		12	0.0040
		15/ 8	0.0025
		13	0.0250
		56/ 14	0.0025
		17	0.0075
		24	0.0100
		58/ 4	0.0305
		7	0.0380
		14	0.0380
		17	0.0260
		89 (Rasta)	0.0550
		91 (Rasta)	0.0275
		333 (Rasta)	0.0050
		340 (Rasta)	0.0050
		341 (Rasta)	0.0050
4.	NANGAL BRAHMAN	23/ 17	0.0225
		18	0.0105
		24/ 1	0.0510
		34/ 4	0.0610
		7	0.0835
		14	0.0910

S.NO.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
4.	NANGAL BRAHMAN (Contd.)	17	0.0925
		24	0.0675
		35/ 4	0.0215
		45/ 7	0.0075
		14	0.0085
5.	CHAJJUNAGAR	27/ 4	0.0035
		7	0.0135
		18	0.0025
		30/ 17	0.0015
		38/ 10	0.0020
		43/ 2	0.0045
		9/1	0.0070
		48/ 9	0.0025
		51/ 16	0.0060
		55/ 11	0.0015
		59/ 11	0.0025
		82 (Rasta)	0.0055
		126 (Rasta)	0.0025
		150 (Rasta)	0.0130
		294 (Rasta)	0.0055
		305 (Rasta)	0.0150
6.	ROUNIJA	11/ 19	0.0080
		28/ 12/1	0.0030
		12/2	0.0595
		34/ 2	0.0070
		9	0.0330
		12/2	0.0250
		19	0.0075
		48 (Drain)	0.0040
		49 (Drain)	0.0270
7.	KITHWADI	72/ 1	0.0025
		10	0.0105
		11	0.0415
		20	0.0200
8.	MANDKAUL	6/ 3	0.0070
		7	0.0025
		14	0.0875
		25	0.0790
		10/ 5	0.0150
		11/ 10	0.0460
		11	0.0570
		19	0.0305
		22	0.1010
		18/ 3	0.0200
		8	0.1125
		14	0.0080
		17	0.1015
9.	SOFTAKA	3/ 22	0.0025
		6/ 2	0.0130
		7	0.0105

S.NO.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
10.	HARPHALI	9/ 23	0.0200
		24	0.0495
		25	0.0510
		11/ 18	0.0100
		22/1	0.1190
		14/ 1	0.0075
		2	0.0520
		7	0.0455
		8	0.0125
		9	0.1240
		12	0.0360
		13	0.1450
		14/ 14	0.0305
		18/ 1	0.0525
		19/ 6	0.0195
		87 (Road)	0.0100
11.	SAHARALA	7/ 16	0.0485
		8/ 6	0.0935
		7	0.0435
		14	0.0120
		18	0.0530
		19	0.0935
		20	0.1240
		21	0.0105
		22	0.0530
		23	0.0165
		9/ 9	0.0075
		10	0.0530
		15	0.0120
		10/ 11	0.0070
		13	0.0960
		14	0.1005
		15	0.0935
		11/ 11	0.0530
		12	0.0150
		12/ 18	0.0040
		72 (Road)	0.0305
		81 (Road)	0.0230
		91 (Road)	0.0075
		8/ 17 (Saharala Drain)	0.0330
		20 (Saharala Minor)	0.0125
12.	BELA	45/ 5	0.0035
		46/ 21	0.0115
		22/2	0.0020
		297 (Road)	0.0025
		298 (Road)	0.0025
		299 (Road)	0.0025

[No. R-31015/01/2005-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 4 जनवरी, 2006

का. आ. 32.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3027 तारीख 26 अगस्त, 2005, जो भारत के राजपत्र तारीख 27 अगस्त, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 22 अक्टूबर, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी पिल्लिंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : केशवरायपाटन		जिला : बून्दी	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	पटोलिया	431	0.6850
		422	0.2900
		407	0.1800
		408	0.0080
		394	0.0940
		395	0.0360
		396	0.1800
		389	0.0650
		390	0.1100
		399	0.0220
		398	0.0440
		380	0.1450
		379	0.0360
		356	0.0220
		315	0.0940
		323	0.0510
		321	0.0650
		317	0.0080
		316	0.0580
		263	0.0360
		259	0.0150
		261	0.1520
		251	0.0870
		250	0.0940
		249	0.1800
		248	0.0220
		247	0.0440
		246	0.2520
		243	0.0720
		242	0.0940
		241	0.1230
		239	0.0720

1	2	3	4
1	पटोलिया (जारी.....)	225	0.1450
		226	0.1160
		224	0.0720
		143	0.0150
		152	0.0580
		153	0.0720
		154	0.0720
		165	0.0220
		203	0.0040
		202	0.1950
		196	0.0580
		199	0.0940
		200	0.1100
		201	0.0360
		207	0.0220
		210	0.0360
		209	0.0080
		208	0.0080
2	ईश्वरनगर	760	0.1950
		759	0.1100
		758	0.1880
		736	0.0220
		734	0.0040
		733	0.0940
		732	0.1950
		731	0.1100
		722	0.0290
		719	0.0080
		718	0.0800
		717	0.1010
		716	0.0720
		715	0.0150
		707	0.0150
		699	0.1520
		698	0.2240
		697	0.1370
		696	0.0150
		702	0.0220
3.	कस्बा केशवराय पाटन	601	0.0940
		602	0.0580
		603	0.0150
		607	0.1010
		606	0.2520
		605	0.1010
		563	0.0150
		558	0.1160
		557	0.1590
		556	0.0440
		555	0.0580
		554	0.1160
		553	0.0040
		551/2506	0.0360
		545	0.0080
		544	0.1160
		543	0.0720
		542	0.0720
		497	0.0220
		496	0.1660
		495	0.0150
		494	0.0510
		460	0.0290

1	2	3	4
3	कस्बा केशवराय पाटन (जारी.....)	459	0.1300
		424	0.0080
		425	0.0220
		452	0.0150
		451	0.0650
		426	0.4110
		419	0.0510
		624	0.2740
		625	0.0080
		627/2562	0.2450
		626	0.0150
		633	0.0440
		417	0.0080
		416	0.1010
		645	0.2310
		646	0.0080
		648	0.2310
		653	0.0360
		664	0.0290
		665	0.0800
		666	0.0870
		667	0.0720
		668	0.2090
		ugj	0.0080
		704	0.0290
		703	0.2600
		717	0.0360
		724	0.2020
		725	0.3250
		745	0.0150
		771	0.1590
		770	0.2520
		769	0.1100
		768	0.1100
		767	0.1300
		786	0.0360
		802	0.2090
		803	0.0290
		814	0.0080
		821	0.3530
		826	0.0360
		846	0.1660
		847	0.0800
		848	0.0150
		849	0.2240
		911	0.0150
		913	0.0870
		941/2520	0.0080
		941	0.3240
		940	0.0220
		942	0.2020
		943	0.1230
		944	0.0220
		967	0.0510
		1079	0.0510
		1078	0.1800
		1074	0.0360
		1008	0.0150
		1009	0.3030
		1005	0.0080

1	2	3	4
3	कस्बा केशवराय पाटन (जारी.....)	1003	0.2160
		1002	0.0290
		1000	0.1590
		998	0.0080
		995	0.0080
		996	0.1940
		997	0.1010
		1011	0.0080
		1012	0.0510
		1050	0.0290
		1036	0.1660
		1037	0.2090
		1035	0.0360
		1033	0.0800
		1032	0.0510
		1031	0.1010
		1030	0.1660
		1029	0.0800
		1028	0.0440
		1027	0.0580
		1026	0.1090
		1025	0.0290
		570	0.0150
		1013	0.0080
4	हथनापुर	422	0.0020
		421	0.0930
		420	0.0900
		419	0.0990
		418	0.1010
		417	0.2230
		416	0.1050
		415	0.0990
		424	0.0650
		413	0.1380
		412	0.0710
		409	0.0220
		440	0.0890
		450	0.0280
		494	0.0360
		488	0.0070
		492/516	0.0220
		487	0.0440
		483	0.5200
		482	0.0080
		484	0.0030
		479	0.0560
		480	0.0030
5.	भीया	245	0.2030
		246	0.0220
		243	0.0240
		236	0.0080
		235	0.0940
		234	0.2240
		231	0.0080
		216	0.4030
		215	0.0440
		207	0.0220
		195	0.2710
		194	0.1570
		188	0.0070

1	2	3	4
5.	भीया (जारी...)	193	0.0080
		179	0.1590
		180	0.0940
		178	0.0020
		172	0.0310
		164	0.0680
		163	0.2140
		153	0.0070
		146	0.3070
		145	0.0580
		144	0.0020
		130	0.0230
		123	0.0060
		122	0.1900
		121	0.1780
		112	0.0050
		106	0.1950
		105	0.1880
		98	0.0220
		89	0.1670
		90	0.1490
		78	0.0110
		85	0.5270
		88	0.0330
		257	0.1110
		263	0.0690
		262	0.0820
		261	0.1050
		259	0.2160
		277	0.0510
6.	रंगराजपुरा	130	0.0200
		127	0.2620
		126	0.0510
		13	0.0290
		12	0.0150
		11	0.2550
		4	0.1790
		5	0.0450
7.	अरनेठा	2287	0.2890
		2287/2565	0.0100
		2288	0.1010
		2289/2564	0.0080
		2289	0.0120
		2345	0.0290
		2350	0.0090
		2346	0.0260
		2349	0.1160
		2348	0.0020
		2374	0.0310
		2373	0.1350
		2377	0.0080
		2376	0.2390
		2389	0.0250
		2390	0.1930
		2391	0.0460
		2441/2614	0.0140
		2441	0.0710
		2441/2607	0.0180
		2450	0.0270
		2451	0.0860

1	2	3	4
7.	अरनेठा (जारी.....)	2452	0.2660
		2453	0.1060
		2454	0.0450
		2455	0.1740
		2456	0.0680
		2457	0.0860
		2462	0.0270
		2476	0.0800
		2477	0.2670
		2479	0.0080
		2481	0.3070
		2482	0.0750
		2494	0.0250
		2497	0.0830
		2496	0.2250
		2103	0.0080
		2097	0.3530
		2094	0.0210
		2092	0.1150
		2081	0.0070
		2078	0.3040
		2061	0.0370
		2061/2616	0.0160
		2057	0.2770
		2041	0.3370
		2037	0.0285
		2036	0.0580
		2035	0.0440
		2034	0.0150
		2033	0.0720
		2032	0.1010
		2030	0.1230
8.	श्रीपुरा	622	0.0360
		623	0.0020
		621	0.0030
		619	0.0940
		560	0.2160
		561	0.0250
		611	0.2160
		613	0.0020
		608	0.0720
		609	0.0320
		607	0.2610
		602	0.0290
		598	0.1230
		594	0.2070
		595	0.1330
		592	0.0240
9.	सारसला	18	0.0570
		17	0.0020
		16	0.0330
		9	0.0660
		5	0.0810
		6	0.1390
		4	0.0080
		3	0.1940
		42	0.0120
		43	0.0260
		44	0.1950
		45	0.0400
		47	0.0100

1	2	3	4
9.	सारसला (जारी...)	48	0.0150
		59	0.1810
		60	0.2030
		61	0.0180
		62	0.0210
		65	0.0290
10.	भावपुरा	11	0.1880
		25	0.0150
		33	0.0560
		209	0.0080
		217	0.4540
		218	0.0290
		216	0.0600
		227	0.0020
		228	0.0220
		215	0.0150
		229	0.1440
		230	0.1420
		232	0.1350
		233	0.0690
		234	0.0740
		235	0.0860
		236	0.0150
		237	0.0730
		238	0.2580
		239	0.0510
		242	0.0650
		246	0.0290
		245	0.0580
		244	0.0890
		243	0.0670
11.	अड़ीला	1784	0.0580
		1785	0.3460
		1783	0.0420
		1777	0.0090
		1781	0.3020
		1761	0.0290
		1759	0.2610
		1758	0.1160
		1757	0.0720
		1807	0.0550
		1457	0.0290
		1451	0.0020
		1436	0.0220
		1435	0.2690
		1432	0.0900
		1431	0.2690
		1479	0.0330
		1483	0.3340
		1484	0.0290
		1492	0.0260
		1504	0.1750
		1508	0.0240
		1518	0.1660
		1519	0.1660
		1520	0.0020
		1515	0.2520
		1514	0.0780
		1529	0.0290
		1558	0.0460
		1556	0.1990

1	2	3	4
11.	अड़ीला (जारी.....)	1552	0.0620
		1553	0.0760
		1551	0.2290
		1575	0.0220
		1550	0.0150
		ugj	0.0800
		1814	0.1210
		1817	0.0210
		1820	0.0080
		1819	0.0980
		1818	0.2520
		1828	0.0030
		1829	0.0650
		1830	0.1660
		1831	0.1520
		1809	0.0060
		1808	0.0890
		1719	0.0100
		1682	0.0020
		1683	0.0240
		1684	0.1420
		1703	0.0360
		1702	0.2190
		1704	0.0270
		1718	0.0020
		1717	0.0760
		1716	0.0710
		1715	0.0750
		1714	0.0220
12.	कापरेन	2795	0.0150
		2794	0.2110
		2790	0.0390
		2789	0.1610
		2803	0.0250
		2801	0.0560
		2802	0.0390
		2804	0.2260
		2805	0.0290
		2806	0.2860
		2807	0.0160
		2808	0.0130
		2820	0.0130
		2821	0.0120
13.	हीरापुर	436	0.0130
		432	0.1960
		445	0.3390
		444	0.0020
		454	0.0330
		462	0.3210
		463	0.0040
		469	0.0290
		470	0.2560
		475	0.0290
		481	0.0020
		482	0.2320
		492	0.0690
		493	0.4140
		495	0.1010
		494	0.0020
		504	0.0290
		513	0.1690

1	2	3	4
13.	हीरापुर (जारी.....)	514	0.0730
		520	0.1430
		525	0.0150
		526	0.0080
		388	0.0230
		383	0.0540
		382	0.2130
		381	0.0150
		378	0.2000
		379	0.0820
		377	0.0160
		376	0.0570
		375	0.1740
		374	0.3030
		433/2	0.0340
		439	0.0340
		437	0.0280
		440	0.0410
		454	0.1630
		453	0.2080
		452	0.1350
		445	0.0360
		441/1	0.2780
14.	गरजनी	382	0.3630
		390	0.1120
		389	0.3630
		393	0.0340
		406	0.0390
		405	0.0450
		404	0.3120
		402	0.1570
		401	0.0450
		398	0.1570
		373	0.0340
		364	0.0280
		363	0.2680
		360	0.1570
		361	0.2950
15.	बालापुरा	1260	0.0450
		1259	0.0220
		1264	0.2030
		1258	0.0240
		1252	0.1890
		1253	0.0020
		1250	0.1010
		1208	0.3500
		1210	0.3640
		1206	0.0290
16.	अरनिया	1003	0.0510
		994	0.1300
		995	0.2160
		987	0.2380
		986	0.0020
		977	0.0290
		970	0.0100
		969	0.2690
		955	0.0940
		956	0.1800
		957	0.0720
		951	0.0220

1	2	3	4
17.	अरडाना	519/1	0.0060
		536	0.0280
		535	0.0230
		534	0.2520
		533	0.0020
		538	0.3810
		530	0.1180
		527	0.0170
		526	0.0410
		523	0.0340
		522	0.0730
		521	0.2800
		470	0.0290
		476	0.2020
		475	0.1680
		471	0.0030
		494	0.0290
		383	0.0290
		389	0.0530
		388	0.0790
		387	0.0280
		384	0.1240
		386	0.0350
		397	0.1800
		398	0.0620
		399	0.0280
		400	0.1910
		420	0.0450
		416	0.0790
		401	0.0030
		407	0.1570
		406	0.0840
		408	0.1120
		410	0.0060
18.	कोडक्या	898	0.0250
		897	0.0110
		900	0.0040
		899	0.1140
		892	0.1340
		891	0.1480
		888	0.0020
		890	0.0460
		889	0.0320
		886	0.1910
		885	0.0360
		853	0.0390
		844	0.3890
		845	0.0180
		839	0.0050
		838	0.3130
		830	0.0320
		826	0.2570
		823	0.2230
		822	0.0160
		821	0.1280
		812	0.0320
		805	0.1960
		806	0.0230
		802	0.2990
		801	0.0900
		800	0.0290

1	2	3	4
18.	कोडक्या (जारी.....)	793	0.0310
		789	0.1780
		786	0.0150
		785	0.1770
		784	0.1010
		779	0.0310
		775	0.1740
		773	0.0980
		772	0.1840
		771	0.0190
		765	0.0480
		755	0.2290
		756	0.1290
		753	0.0140
		78	0.0500
19.	आजन्दा	372	0.0150
		373	0.0260
		376	0.0840
		537	0.0460
		384	0.0450
		383	0.1730
		382	0.0290
		381	0.0550
		380	0.2910
		398	0.0720
		401	0.0720
		402	0.0860
		403	0.0740
		404	0.0570
		405	0.0250
		1229	0.3640
		1230	0.0730
		1224	0.2970
		1220	0.0280
		1216	0.4710
		1214	0.2520
		1213	0.0560
		1212	0.0360
		1210	0.0560
		1211	0.2520
		1207	0.0840
		1206	0.2350
		1205	0.0200
		1111	0.0280
		1113	0.0080

[फा0स0आर0-31015/9/2004-ओ आर-प]

हरीश कुमार, अवर सचिव,

New Delhi, the 4th January, 2006

S. O. 32.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.3027, dated the 26th August, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 27th July, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 22nd October, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule appended to this notification , is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : KESHAVRAI PATAN		DISTRICT : BUNDI	STATE : RAJASTHAN
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
	2	3	4
1.	PATOLIYA	431	0.6850
		422	0.2900
		407	0.1800
		408	0.0080
		394	0.0940
		395	0.0360
		396	0.1800
		389	0.0650
		390	0.1100
		399	0.0220
		398	0.0440
		380	0.1450
		379	0.0360
		356	0.0220
		315	0.0940
		323	0.0510
		321	0.0650
		317	0.0080
		316	0.0580
		263	0.0360
		259	0.0150
		261	0.1520
		251	0.0870
		250	0.0940
		249	0.1800
		248	0.0220
		247	0.0440
		246	0.2520
		243	0.0720
		242	0.0940
		241	0.1230
		239	0.0720

1	2	3	4
1	PATOLIYA (Contd....)	225	0.1450
		226	0.1160
		224	0.0720
		143	0.0150
		152	0.0580
		153	0.0720
		154	0.0720
		165	0.0220
		203	0.0040
		202	0.1950
		196	0.0580
		199	0.0940
		200	0.1100
		201	0.0360
		207	0.0220
		210	0.0360
		209	0.0080
		208	0.0080
2	ISHWAR NAGAR	760	0.1950
		759	0.1100
		758	0.1880
		736	0.0220
		734	0.0040
		733	0.0940
		732	0.1950
		731	0.1100
		722	0.0290
		719	0.0080
		718	0.0800
		717	0.1010
		716	0.0720
		715	0.0150
		707	0.0150
		699	0.1520
		698	0.2240
		697	0.1370
		696	0.0150
		702	0.0220
3.	KASBA KESHAVRAI PATAN	601	0.0940
		602	0.0580
		603	0.0150
		607	0.1010
		606	0.2520
		605	0.1010
		563	0.0150
		558	0.1160
		557	0.1590
		556	0.0440
		555	0.0580
		554	0.1160
		553	0.0040
		551/2506	0.0360
		545	0.0080
		544	0.1160
		543	0.0720
		542	0.0720
		497	0.0220
		496	0.1660
		495	0.0150
		494	0.0510
		460	0.0290

1	2	3	4
3.	KASBA KESHAVRAI PATAN	459	0.1300
	(Contd....)	424	0.0080
		425	0.0220
		452	0.0150
		451	0.0650
		426	0.4110
		419	0.0510
		624	0.2740
		625	0.0080
		627/2562	0.2450
		626	0.0150
		633	0.0440
		417	0.0080
		416	0.1010
		645	0.2310
		646	0.0080
		648	0.2310
		653	0.0360
		664	0.0290
		665	0.0800
		666	0.0870
		667	0.0720
		668	0.2090
		ugj	0.0080
		704	0.0290
		703	0.2600
		717	0.0360
		724	0.2020
		725	0.3250
		745	0.0150
		771	0.1590
		770	0.2520
		769	0.1100
		768	0.1100
		767	0.1300
		786	0.0360
		802	0.2090
		803	0.0290
		814	0.0080
		821	0.3530
		826	0.0360
		846	0.1660
		847	0.0800
		848	0.0150
		849	0.2240
		911	0.0150
		913	0.0870
		941/2520	0.0080
		941	0.3240
		940	0.0220
		942	0.2020
		943.	0.1230
		944	0.0220
		967	0.0510
		1079	0.0510
		1078	0.1800
		1074	0.0360
		1008	0.0150
		1009	0.3030
		1005	0.0080

1	2	3	4
3.	KASBA KESHAVRAI PATAN	1003	0.2160
	(Contd....)	1002	0.0290
		1000	0.1590
		998	0.0080
		995	0.0080
		996	0.1940
		997	0.1010
		1011	0.0080
		1012	0.0510
		1050	0.0290
		1036	0.1660
		1037	0.2090
		1035	0.0360
		1033	0.0800
		1032	0.0510
		1031	0.1010
		1030	0.1660
		1029	0.0800
		1028	0.0440
		1027	0.0580
		1026	0.1090
		1025	0.0290
		570	0.0150
		1013	0.0080
4	HATHNAPUR	422	0.0020
		421	0.0930
		420	0.0900
		419	0.0990
		418	0.1010
		417	0.2230
		416	0.1050
		415	0.0990
		424	0.0650
		413	0.1380
		412	0.0710
		409	0.0220
		440	0.0890
		450	0.0280
		494	0.0360
		488	0.0070
		492/516	0.0220
		487	0.0440
		483	0.5200
		482	0.0080
		484	0.0030
		479	0.0560
		480	0.0030
5.	BHIYA	245	0.2030
		246	0.0220
		243	0.0240
		236	0.0080
		235	0.0940
		234	0.2240
		231	0.0080
		216	0.4030
		215	0.0440
		207	0.0220
		195	0.2710
		194	0.1570
		188	0.0070

1	2	3	4
5.	BHIYA (Contd.)	193	0.0080
		179	0.1590
		180	0.0940
		178	0.0020
		172	0.0310
		164	0.0680
		163	0.2140
		153	0.0070
		146	0.3070
		145	0.0580
		144	0.0020
		130	0.0230
		123	0.0060
		122	0.1900
		121	0.1780
		112	0.0050
		106	0.1950
		105	0.1880
		98	0.0220
		89	0.1670
		90	0.1490
		78	0.0110
		85	0.5270
		88	0.0330
		257	0.1110
		263	0.0690
		262	0.0820
		261	0.1050
		259	0.2160
		277	0.0510
6.	RANGRAJPURA	130	0.0200
		127	0.2620
		126	0.0510
		13	0.0290
		12	0.0150
		11	0.2550
		4	0.1790
		5	0.0450
7.	ARNETHA	2287	0.2890
		2287/2565	0.0100
		2288	0.1010
		2289/2564	0.0080
		2289	0.0120
		2345	0.0290
		2350	0.0090
		2346	0.0260
		2349	0.1160
		2348	0.0020
		2374	0.0310
		2373	0.1350
		2377	0.0080
		2376	0.2390
		2389	0.0250
		2390	0.1930
		2391	0.0460
		2441/2614	0.0140
		2441	0.0710
		2441/2607	0.0180
		2450	0.0270
		2451	0.0860

1	2	3	4
7.	ARNETHA (Contd.)	2452	0.2660
		2453	0.1060
		2454	0.0450
		2455	0.1740
		2456	0.0680
		2457	0.0860
		2462	0.0270
		2476	0.0800
		2477	0.2670
		2479	0.0080
		2481	0.3070
		2482	0.0750
		2494	0.0250
		2497	0.0830
		2496	0.2250
		2103	0.0080
		2097	0.3530
		2094	0.0210
		2092	0.1150
		2081	0.0070
		2078	0.3040
		2061	0.0370
		2061/2616	0.0160
		2057	0.2770
		2041	0.3370
		2037	0.0285
		2036	0.0580
		2035	0.0440
		2034	0.0150
		2033	0.0720
		2032	0.1010
		2030	0.1230
8.	SHRIPURA	622	0.0360
		623	0.0020
		621	0.0030
		619	0.0940
		560	0.2160
		561	0.0250
		611	0.2160
		613	0.0020
		608	0.0720
		609	0.0320
		607	0.2610
		602	0.0290
		598	0.1230
		594	0.2070
		595	0.1330
		592	0.0240
9.	SARSALA	18	0.0570
		17	0.0020
		16	0.0330
		9	0.0660
		5	0.0810
		6	0.1390
		4	0.0080
		3	0.1940
		42	0.0120
		43	0.0260
		44	0.1950
		45	0.0400
		47	0.0100

1	2	3	4
9.	SARSALA (contd.,)	48	0.0150
		59	0.1810
		60	0.2030
		61	0.0180
		62	0.0210
		65	0.0290
10.	BHAVPURA	11	0.1880
		25	0.0150
		33	0.0560
		209	0.0080
		217	0.4540
		218	0.0290
		216	0.0600
		227	0.0020
		228	0.0220
		215	0.0150
		229	0.1440
		230	0.1420
		232	0.1350
		233	0.0690
		234	0.0740
		235	0.0860
		236	0.0150
		237	0.0730
		238	0.2560
		239	0.0510
		242	0.0650
		246	0.0290
		245	0.0580
		244	0.0890
		243	0.0670
11.	ADILA	1784	0.0560
		1785	0.3460
		1763	0.0420
		1777	0.0090
		1781	0.3020
		1761	0.0290
		1759	0.2610
		1758	0.1160
		1757	0.0720
		1607	0.0550
		1457	0.0290
		1451	0.0020
		1436	0.0220
		1435	0.2690
		1432	0.0900
		1431	0.2690
		1479	0.0330
		1483	0.3340
		1464	0.0290
		1492	0.0260
		1504	0.1750
		1508	0.0240
		1518	0.1660
		1519	0.1660
		1520	0.0020
		1515	0.2520
		1514	0.0780
		1529	0.0290
		1558	0.0460
		1556	0.1990

1	2	3	4
11.	ADILA (Contd.....)	1552	0.0620
		1553	0.0760
		1551	0.2290
		1575	0.0220
		1550	0.0150
		ugj	0.0800
		1814	0.1210
		1817	0.0210
		1820	0.0080
		1819	0.0980
		1818	0.2520
		1828	0.0030
		1829	0.0650
		1830	0.1660
		1831	0.1520
		1809	0.0060
		1808	0.0890
		1719	0.0100
		1682	0.0020
		1683	0.0240
		1684	0.1420
		1703	0.0360
		1702	0.2190
		1704	0.0270
		1718	0.0020
		1717	0.0760
		1716	0.0710
		1715	0.0750
		1714	0.0220
12.	KAPREN	2795	0.0150
		2794	0.2110
		2790	0.0390
		2789	0.1610
		2803	0.0250
		2801	0.0560
		2802	0.0390
		2804	0.2260
		2805	0.0290
		2806	0.2860
		2807	0.0160
		2808	0.0130
		2820	0.0130
		2821	0.0120
13.	HIRAPUR	436	0.0130
		432	0.1960
		445	0.3390
		444	0.0020
		454	0.0330
		462	0.3210
		463	0.0040
		469	0.0290
		470	0.2560
		475	0.0290
		481	0.0020
		482	0.2320
		492	0.0690
		493	0.4140
		495	0.1010
		494	0.0020
		504	0.0290
		513	0.1690

1	2	3	4
13.	HIRAPUR (Contd....)	514	0.0730
		520	0.1430
		525	0.0150
		526	0.0080
		388	0.0230
		383	0.0540
		382	0.2130
		381	0.0150
		378	0.2000
		379	0.0820
		377	0.0160
		376	0.0570
		375	0.1740
		374	0.3030
		433/2	0.0340
		439	0.0340
		437	0.0280
		440	0.0410
		454	0.1630
		453	0.2080
		452	0.1350
		445	0.0360
		441/1	0.2780
14.	GARJANI	382	0.3630
		390	0.1120
		389	0.3630
		393	0.0340
		406	0.0390
		405	0.0450
		404	0.3120
		402	0.1570
		401	0.0450
		398	0.1570
		373	0.0340
		364	0.0280
		363	0.2680
		360	0.1570
		361	0.2950
15.	BALAPURA	1260	0.0450
		1259	0.0220
		1264	0.2030
		1258	0.0240
		1252	0.1890
		1253	0.0020
		1250	0.1010
		1208	0.3500
		1210	0.3640
		1206	0.0290
16.	ARNIYA	1003	0.0510
		994	0.1300
		995	0.2160
		987	0.2380
		986	0.0020
		977	0.0290
		970	0.0190
		969	0.2630
		955	0.0940
		956	0.1800
		957	0.0720
		951	0.0220

1	2	3	4
17.	ARDANA	519/1	0.0060
		536	0.0280
		535	0.0230
		534	0.2520
		533	0.0020
		538	0.3810
		530	0.1180
		527	0.0170
		526	0.0410
		523	0.0340
		522	0.0730
		521	0.2800
		470	0.0290
		476	0.2020
		475	0.1680
		471	0.0030
		494	0.0290
		383	0.0290
		389	0.0530
		388	0.0790
		387	0.0280
		384	0.1240
		386	0.0350
		397	0.1800
		398	0.0620
		399	0.0280
		400	0.1910
		420	0.0450
		416	0.0790
		401	0.0030
		407	0.1570
		406	0.0840
		408	0.1120
		410	0.0060
18.	KODKYA	898	0.0250
		897	0.0110
		900	0.0040
		899	0.1140
		892	0.1340
		891	0.1480
		888	0.0020
		890	0.0460
		889	0.0320
		886	0.1910
		885	0.0360
		853	0.0390
		844	0.3890
		845	0.0180
		839	0.0050
		838	0.3130
		830	0.0320
		826	0.2570
		823	0.2230
		822	0.0160
		821	0.1280
		812	0.0320
		805	0.1960
		806	0.0230
		802	0.2990
		801	0.0900
		800	0.0290

1	2	3	4
18.	KODKYA (Contd.....)	793	0.0310
		789	0.1780
		786	0.0150
		785	0.1770
		784	0.1010
		779	0.0310
		775	0.1740
		773	0.0980
		772	0.1840
		771	0.0190
		765	0.0480
		755	0.2290
		756	0.1290
		753	0.0140
		78	0.0500
19.	AJANDA	372	0.0150
		373	0.0260
		376	0.0840
		537	0.0460
		384	0.0450
		383	0.1730
		382	0.0290
		381	0.0550
		380	0.2910
		398	0.0720
		401	0.0720
		402	0.0860
		403	0.0740
		404	0.0570
		405	0.0250
		1229	0.3640
		1230	0.0730
		1224	0.2970
		1220	0.0280
		1216	0.4710
		1214	0.2520
		1213	0.0560
		1212	0.0360
		1210	0.0560
		1211	0.2520
		1207	0.0840
		1206	0.2350
		1205	0.0200
		1111	0.0280
		1113	0.0080

नई दिल्ली, 4 जनवरी, 2006

का. आ. 33.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3230 तारीख 7 सितम्बर, 2005, जो भारत के राजपत्र तारीख 10 सितम्बर, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 26 अक्टूबर, 2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : हिण्डौन		जिला : करौली	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1.	सनेट	1227/900	0.3154
		1235/1060	0.0072
		1231/1056	0.1944
2.	कुतकपुर	1027/21	0.1089
		1032/38	0.0108
		1028/37	0.0540
3.	हिण्डौन	7417	0.0144
4.	ढिंदोरा	3950	0.0239
5.	भुकरावली	117	0.0144
		113	0.0126

[फा. सं. आर-31015/94/2004-ओ.आर. II]

हरीश कुमार, अवर सचिव

New Delhi, the 4th January, 2006

S. O. 33— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3230, dated the 7th September, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 10th September, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyaia in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 26th October, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : HINDAUN		DISTRICT : KARALI		STATE : RAJASTHAN	
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE		
1	2	3	4		
1.	SANET	1227/900	0.3154		
		1235/1060	0.0072		
		1231/1056	0.1944		
2.	KUTAKPUR	1027/21	0.1089		
		1032/38	0.0108		
		1028/37	0.0540		
3.	HINDAUN	7417	0.0144		
4.	DHINDHORA	3950	0.0239		
5.	BHUKRAVALI	117	0.0144		
		113	0.0126		

[No. R-31015/94/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 5 जनवरी, 2006

का.आ. 34.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि तमिलनाडु राज्य में चेन्नई से तिरुच्चि, मदुराई और शंकरी तक पेट्रोलियम उत्पादन के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ; और ऐसा प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ; अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ; उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि में उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के प्रति लिखित रूप में आक्षेप श्री आर. वज्रवेलू, सक्षम प्राधिकारी, चेन्नई-तिरुच्चि -मदुराई उत्पाद पाइपलाइन परियोजना और आसनूर से शंकरी तक ब्रांच पाइपलाइन परियोजना, 12/30, एफ ब्लॉक, मार्क रेसिडेन्सी, वी.ओ.सी. रोड, कन्दोन्मेन्ट, तिरुच्चिरापल्ली -620 001 (तमिलनाडु) को कर सकेगा।

अनुसूची

तालूका : तिरुवल्लूर	जिला : तिरुवल्लूर		राज्य : तमिलनाडु		
गाँव का नाम	सर्वे नंबर	हिरसा नंबर	क्षेत्रफल		
			हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6
नं. 136 तोडुकाडु	255	15	0	02	00
	255	16	0	05	40
	255	18	0	04	20
	255	19	0	04	00

[फा. सं. आर-25011/29/2004-ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 5th January, 2006

S. O. 34.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Chennai to Trichy, Madurai and Sankari in the State of Tamilnadu, a pipeline should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri. R.Vajravelu, Competent Authority, Indian Oil Corporation Limited, Chennai-Trichy-Madurai Product Pipeline Project with a branch pipeline from Asanur to Sankari, 12/30, **F Block**, Mark Residency, VOC Road, Contonment, Tiruchirappalli-620 001, Tamilnadu.

SCHEDULE

Taluk : Tiruvallur		District : Tiruvallur		State : Tamil Nadu		
Name of the Village	Survey no.	Sub-Division no	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
NO.136 THODUKADU	255	15	0	02	00	
	255	16	0	05	40	
	255	18	0	04	20	
	255	19	0	04	00	

[F No R-25011/29/2004-O.P.-I]
S. K. CHITKARA Under Secy

नई दिल्ली, 5 जनवरी, 2006

का.आ. 35.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि तमिलनाडु राज्य में चेन्नई से तिरुच्चि, मदुराई और शंकरी तक पेट्रोलियम उत्पादन के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और ऐसा प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि में उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के प्रति लिखित रूप में आक्षेप श्री आर. वज्रवेलू, सक्षम प्राधिकारी, चेन्नई-तिरुच्चि -मदुराई उत्पाद पाइपलाइन परियोजना और आसनूर से शंकरी तक ब्रांच पाइपलाइन परियोजना, 12/30, एफ ब्लॉक, मार्क रेसिडेन्सी, वी.ओ.सी. रोड, कन्टोन्मेन्ट, तिरुच्चिरापल्ली -620 001 (तमिलनाडु) को कर सकेगा।

अनुसूची

जुका : तिरुमंगलम		जिला : मदुरै		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे नंबर	हिस्सा नंबर	क्षेत्रफल		
			हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6
1 धर्मत्तुप्पट्टि	19	9ऐ	0	00	60

[फा. सं आर-25011/29/2004-ओ आर.-1]

एम. के. चिटकारा, 3

New Delhi, the 5th January, 2006

S. O. 35.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Chennai to Trichy, Madurai and Sankari in the State of Tamilnadu, a pipeline should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri. R.Vajravelu, Competent Authority, Indian Oil Corporation Limited, Chennai-Trichy-Madurai Product Pipeline Project with a branch pipeline from Asanur to Sankari, 12/30, F Block, Mark Residency, VOC Road, Contonment, Tiruchirappalli-620 001, Tamilnadu.

SCHEDULE

Taluk : THIRUMANGALAM	District : MADURAI		State : TAMILNADU		
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
NO.11.DHARMATHUPATTI	19	9I	0	00	60

[F. No. R-25011/29/2004-O.R.
S. K. CHITKARA, Under Sec

नई दिल्ली, 5 जनवरी, 2006

का. आ. 36.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि तमिलनाडु राज्य में चेन्नई से तिरुच्चि, मदुराई और शंकरी तक पेट्रोलियम उत्पादन के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और ऐसा प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ; अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि में उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के प्रति लिखित रूप में आक्षेप श्री आर. वज्रवेलू, सक्षम प्राधिकारी, चेन्नई-तिरुच्चि -मदुराई उत्पाद पाइपलाइन परियोजना और आसनूर से शंकरी तक ब्रांच पाइपलाइन परियोजना, 12/30, एफ ब्लॉक, मार्क रेसिडेन्सी, वी.ओ.सी. रोड, कन्टोन्मेन्ट, तिरुच्चिराप्पल्ली -620 001 (तमिलनाडु) को कर सकेगा।

अनुसूची

तालूका : कल्लक्कुरिच्चि		जिला : विल्लुपुरम		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे नंबर	हिस्सा नंबर	क्षेत्रफल		
			हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6
नं. 99 रायप्पनूर	376	9	0	20	32

[फा. सं. आर-25011/29/2004-ओ.आर.-1]

एम. के. चिटकारा, अवर सचिव

New Delhi, the 5th January, 2006

S. O. 36.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Chennai to Trichy, Madurai and Sankari in the State of Tamilnadu, a pipeline should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri. R.Vajravelu, Competent Authority, Indian Oil Corporation Limited, Chennai-Trichy-Madurai Product Pipeline Project with a branch pipeline from Asanur to Sankari, 12/30, F Block, Mark Residency, VOC Road, Contonment, Tiruchirappalli-620 001, Tamilnadu.

SCHEDULE

Taluk : KALLAKURICHCHI	District : VILLUPURAM		State : TAMILNADU		
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
NO.99 RAYAPPANUR	376	9	0	20	32

[F. No. R-25011/29/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 5 जनवरी, 2006

का. आ. 37.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1849 तारीख 19 मई, 2005, जो भारत के राजपत्र तारीख 21 मई, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोणी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 26 अगस्त, 2005, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची							
तालुका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड संख्या	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	मोल		274		00	01	81
			280		00	02	74
			279		00	07	67
			278		00	05	60
			277		00	00	53
			357		00	05	83
			436		00	00	60
			433		00	00	90
			432		00	01	28
			431		00	05	01
			427		00	01	46
			428		00	01	10
			429		00	01	13
			430		00	10	20
			419		00	04	06
			414		00	01	43
			413		00	01	68
			412		00	03	18
			411		00	02	56
			410		00	03	34
			409		00	02	96
			408		00	03	93
			402		00	01	73
			401		00	02	17
			400		00	06	94
			399		00	03	52
			397		00	01	63
			396		00	02	79
			395		00	00	30
			389		00	05	69
			418		00	00	34
			417		00	00	31
			416		00	00	60
			415		00	00	30
			407		00	00	30
			403		00	00	95
			388(P)		00	07	86
			535		00	02	00
			562		00	02	09
			599		00	08	04
			614		00	02	51
कुल					01	19	07

तालुका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड संख्या	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
2	डिस्कल		1302		00	19	83
			1310		00	17	17
			1311		00	00	44
			1312		00	05	99
			1314		00	06	89
			1316		00	07	16
			1318		00	04	99
			1317		00	09	09
			1319		00	27	00
			1320		00	00	30
			गट नंबर				
			1320, 1319 और				
			1321 के बीच				
			में नाला		00	04	23
			1321		00	59	03
			1322		00	01	78
			1283		00	03	83
			1282		00	08	52
			1284		00	00	93
			1271		00	00	40
			1281		00	06	50
			1280		00	05	69
			1272		00	11	22
			1273		00	14	60
			1274		00	16	88
			गट नंबर 1273, 1274				
			और 1141 के बीच				
			में नाला		00	03	49
			1141		00	03	31
			1145		00	03	25
			1143		00	19	42
			गट नंबर 1143 और				
			1146 के बीच का				
			मेटल्ड रोड		00	03	92
			1146		00	06	64
			1147		00	08	47
			1148		00	05	73
			1149		00	06	15

तालुका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड संख्या	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
2	डिस्कल (निरंतर)		1150		00	01	71
			1154		00	04	54
			1155		00	05	08
			1156		00	05	64
			1157		00	08	36
			1158		00	02	97
			1159		00	02	72
			1160		00	02	75
			1161		00	05	81
			1162		00	07	80
			1163		00	03	35
			1164		00	01	42
			1165		00	02	85
			1166		00	36	81
		गट नंबर 1166 और 1030 के बीच में नाला			00	02	64
			1030		00	23	76
			982		00	38	79
			993		00	09	98
			985		00	16	42
			987		00	01	24
			986		00	12	63
			995		00	06	16
			996		00	06	56
			997		00	23	81
			999		00	03	71
कुल					05	30	36
3	ललगुण		372		00	01	31
			383		00	02	56
			386		00	01	49
			411		00	00	30
			1101		00	10	17
			1100		00	08	86
			1099		00	00	30
			1102		00	21	20
			1103		00	08	05
			1075		00	04	49
			1074		00	21	40

तालुका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड संख्या	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	ललगुण (निरंतर)		गट नंबर 1074 में नाला		00	01	96
			1070		00	07	36
			1071		00	00	87
			1069		00	08	37
			1064		00	13	71
			1068		00	04	56
			1065		00	12	55
			1060		00	10	07
				कुल	01	39	58
4	नागनाथवाडी		315		00	27	50
			314		00	12	91
			310		00	26	13
			306		00	00	30
			307		00	18	47
			289		00	10	84
			290		00	28	53
			280	1	00	35	68
			280	2	00	18	19
			281		00	08	71
			173		00	26	63
			176		00	09	78
			179		00	27	51
			180		00	11	83
			181		00	08	95
			168		00	03	56
			151		00	22	24
			125		00	04	36
			124		00	26	42
			126		00	00	30
			128		00	33	83
				कुल	03	62	67
5	पवारवाडी		338		00	02	50
			336		00	01	80
			359		00	00	75
			396		00	06	32
			413		00	00	20
			453		00	01	95
			467		00	02	89
			533		00	01	72
			534		00	02	44
			548		00	01	51
			545		00	02	29
				कुल	00	24	37

तालुका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड संख्या	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
6	वर्धनगड		316		00	02	77
			340		00	02	57
				कुल	00	05	34
7	पुसेगाँव		1019		00	02	40
			1020		00	03	66
			985		00	02	05
				कुल	00	08	11
8	विसापुर		778		00	02	03
			787		00	01	50
			895		00	00	60
			894		00	04	95
			893		00	00	90
			892		00	03	42
			891		00	00	30
			881		00	18	17
			1112		00	02	25
			1103		00	00	96
			1134		00	01	33
				कुल	0	36	41
9	खातगुण		952		00	01	02
			946		00	01	20
			943		00	00	65
			942		00	01	05
			828		00	00	78
			829		00	02	84
			847		00	03	90
			861		00	10	70
			853		00	00	50
			855		00	00	90
			868		00	00	60
			709		00	01	93
			707		00	01	54
			705		00	03	95
			664		00	01	81
			582		00	01	82
			583		00	05	82
			580		00	10	57
				कुल	00	51	58
10	जखणगाँव		7		00	01	09
			356		00	05	19
			509		00	09	51
			513		00	03	64

तालुका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड संख्या	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
10	जखणगाँव (निरंतर)		515		00	00	20
			531		00	08	91
			533		00	03	75
			730		00	03	31
			729		00	08	53
			693		00	02	30
			688		00	00	30
			702		00	13	13
			703		00	11	16
			704		00	39	27
			कुल		01	10	29
11	वडखल		112		00	01	00
			110		00	00	60
			कुल		00	01	60
12	भसिरे		1141		00	03	63
			1151		00	02	07
			1278		00	00	50
			1285		00	01	85
			1286		00	00	30
			1288		00	02	20
			1290		00	01	15
			1300		00	02	20
			1309		00	01	20
			1311		00	00	30
			1291		00	00	80
			1293		00	00	35
			1254		00	05	26
			31		00	02	62
			70		00	00	95
			72		00	00	65
			32		00	04	82
			151		00	02	64
			176		00	02	46
			180		00	09	65
			182		00	01	72
			कुल		00	47	32
13	लोणी		458		00	01	43
			447		00	01	08
			कुल		00	02	51
14	वरुह		1221		00	00	51
			1222		00	01	35
			1227		00	00	65
			747		00	00	52
			कुल		00	03	03

तालुका : खटाव			जिला : सातारा		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड संख्या	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
15	औध	137			00	01	10
		188			00	01	26
कुल					00	02	36
16	स्वर शिंगे		338		00	06	39
			332		00	02	41
			104		00	05	79
			122		00	00	47
			124		00	00	52
			154		00	00	30
			153		00	01	68
			165		00	06	55
			780		00	00	90
			779		00	03	75
			778		00	06	90
			785		00	01	50
			786		00	01	30
			787		00	02	50
			789		00	02	90
			794		00	04	10
			795		00	02	10
			796		00	03	65
			797		00	00	30
			798		00	01	40
			799		00	06	35
			814		00	01	01
			817		00	02	20
			823		00	02	13
कुल					00	67	10
17	येलीव		252		00	01	71
			827		00	00	60
कुल					00	02	31
18	पलशी		922		00	18	88
			951		00	01	00
			920		00	00	50
			874		00	00	67
			835		00	02	07
			862		00	00	69
			847		00	01	72
कुल					00	25	53
19	लाडेगाँव		33		00	00	30
			122		00	01	17
			114		00	01	37

तालुका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड संख्या	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
19	लाडेगोंव (निरंतर)		115		00	00	62
			116		00	00	76
			99		00	03	30
			98		00	00	30
			97		00	00	34
			91		00	00	42
			90		00	00	34
			87		00	03	37
			83		00	02	21
			78		00	00	18
			74		00	02	32
			164		00	00	54
			312		00	00	56
			323		00	04	50
			382		00	01	01
			378		00	00	88
			388		00	01	46
			394		00	02	13
			393		00	00	64
			397		00	03	61
			399		00	04	30
			कुल		00	36	63
20	वांझोली		344		00	07	01
			349		00	01	70
			351		00	01	38
			कुल		00	10	09
21	रहाटणी		561		00	03	64
			569		00	09	30
			570		00	07	30
			571		00	00	30
			562		00	54	90
			कुल		00	75	44
22	चोराडे		1408		00	02	40
			1391		00	01	79
			1393		00	01	14
			1372		00	01	18
			1364		00	00	35
			1367		00	01	72
			1369		00	00	88
			964		00	02	32
			779		00	00	50
			760		00	01	35

तालुका : खटाव		जिला : सातारा		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड संख्या	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
22	चोराडे (निरंतर)		754		00	02	81
			755		00	01	34
			789		00	01	29
			795		00	15	79
कुल					00	34	86

[फा. सं. आर-31015/32/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 5th January, 2006

S. O. 37.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1849, dated the 19th May, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 21st May, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) (via Hazarwadi) in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 26th August, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	MOL		274		00	01	81
			280		00	02	74
			279		00	07	67
			278		00	05	60
			277		00	00	53
			357		00	05	83
			436		00	00	60
			433		00	00	90
			432		00	01	28
			431		00	05	01
			427		00	01	46
			428		00	01	10
			429		00	01	13
			430		00	10	20
			419		00	04	06
			414		00	01	43
			413		00	01	68
			412		00	03	18
			411		00	02	56
			410		00	03	34
			409		00	02	96
			408		00	03	93
			402		00	01	73
			401		00	02	17
			400		00	06	94
			399		00	03	52
			397		00	01	63
			396		00	02	79
			395		00	00	30
			389		00	05	69
			418		00	00	34
			417		00	00	31
			416		00	00	60
			415		00	00	30
			407		00	00	30
			403		00	00	95
			388(P)		00	07	86
			535		00	02	00
			562		00	02	09
			599		00	08	04
			614		00	02	51
Total					01	19	07

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
2	DISKAL		1302		00	19	83
			1310		00	17	17
			1311		00	00	44
			1312		00	05	99
			1314		00	06	89
			1316		00	07	16
			1318		00	04	99
			1317		00	09	09
			1319		00	27	00
			1320		00	00	30
			Nala in between Gat No 1320, 1319 & 1321		00	04	23
			1321		00	59	03
			1322		00	01	78
			1283		00	03	83
			1282		00	08	52
			1284		00	00	93
			1271		00	00	40
			1281		00	06	50
			1280		00	05	69
			1272		00	11	22
			1273		00	14	60
			1274		00	16	88
			Nala in between Gat No 1273, 1274 & 1141		00	03	49
			1141		00	03	31
			1145		00	03	25
			1143		00	19	42
			Metalled road in Gat No 1143 & 1146		00	03	92
			1146		00	06	64
			1147		00	08	47
			1148		00	05	73
			1149		00	06	15

Taluka : KHATAV		District : SATARA		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
2	DISKAL (Contd.)		1150		00	01	71
			1154		00	04	54
			1155		00	05	08
			1156		00	05	64
			1157		00	08	36
			1158		00	02	97
			1159		00	02	72
			1160		00	02	75
			1161		00	05	81
			1162		00	07	80
			1163		00	03	35
			1164		00	01	42
			1165		00	02	85
			1166		00	36	81
			Nala in between Gat No 1166 & 1030		00	02	64
			1030		00	23	76
			982		00	38	79
			993		00	09	98
			985		00	16	42
			987		00	01	24
			986		00	12	63
			995		00	06	16
			996		00	06	56
			997		00	23	81
			999		00	03	71
		Total					05
3	LALGUN		372		00	01	31
			383		00	02	56
			386		00	01	49
			411		00	00	30
			1101		00	10	17
			1100		00	08	86
			1099		00	00	30
			1102		00	21	20
			1103		00	08	05
			1075		00	04	49
			1074		00	21	40

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
3	LALGUN (Contd.)		Nala in Gat No 1074		00	01	96
			1070		00	07	36
			1071		00	00	87
			1069		00	08	37
			1064		00	13	71
			1068		00	04	56
			1065		00	12	55
			1060		00	10	07
Total					01	39	58
4	NAGNATHWADI		315		00	27	50
			314		00	12	91
			310		00	26	13
			306		00	00	30
			307		00	18	47
			289		00	10	84
			290		00	28	53
			280	1	00	35	68
			280	2	00	18	19
			281		00	08	71
			173		00	26	63
			176		00	09	78
			179		00	27	51
			180		00	11	83
			181		00	08	95
			168		00	03	56
			151		00	22	24
			125		00	04	36
			124		00	26	42
			126		00	00	30
			128		00	33	83
Total					03	62	67
5	PAWARWADI		338		00	02	50
			336		00	01	80
			359		00	00	75
			396		00	06	32
			413		00	00	20
			453		00	01	95
			467		00	02	89
			533		00	01	72
			534		00	02	44
			548		00	01	51
			545		00	02	29
Total					00	24	37

Taluka : KHATAV			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
6	VARDHANGAD		316		00	02	77
			340		00	02	57
				Total	00	05	34
7	PUSEGAON		1019		00	02	40
			1020		00	03	66
			985		00	02	05
				Total	00	08	11
8	VISAPUR		778		00	02	03
			787		00	01	50
			895		00	00	60
			894		00	04	95
			893		00	00	90
			892		00	03	42
			891		00	00	30
			881		00	18	17
			1112		00	02	25
			1103		00	00	96
			1134		00	01	33
				Total	00	36	41
9	KHATGUN		952		00	01	02
			946		00	01	20
			943		00	00	65
			942		00	01	05
			828		00	00	78
			829		00	02	84
			847		00	03	90
			861		00	10	70
			853		00	00	50
			855		00	00	90
			868		00	00	60
			709		00	01	93
			707		00	01	54
			705		00	03	95
			664		00	01	81
			582		00	01	82
			583		00	05	82
			580		00	10	57
				Total	00	51	58
10	JAKHANGAON		7		00	01	09
			356		00	05	19
			509		00	09	51
			513		00	03	64

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
10 JAKHANGAON (Contd.)			515		00	00	20
			531		00	08	91
			533		00	03	75
			730		00	03	31
			729		00	08	53
			693		00	02	30
			688		00	00	30
			702		00	13	13
			703		00	11	16
			704		00	39	27
Total					01	10	29
11 VADKHAL			112		00	01	00
			110		00	00	60
Total					00	01	60
12 BHOSRE			1141		00	03	63
			1151		00	02	07
			1278		00	00	50
			1285		00	01	85
			1286		00	00	30
			1288		00	02	20
			1290		00	01	15
			1300		00	02	20
			1309		00	01	20
			1311		00	00	30
			1291		00	00	80
			1293		00	00	35
			1254		00	05	26
			31		00	02	62
			70		00	00	95
			72		00	00	65
			32		00	04	82
			151		00	02	64
			176		00	02	46
			180		00	09	65
			182		00	01	72
Total					00	47	32
13 LONI			458		00	01	43
			447		00	01	08
Total					00	02	51
14 VARUD			1221		00	00	51
			1222		00	01	35
			1227		00	00	65
			747		00	00	52
Total					00	03	03

Taluka : KHATAV		District : SATARA		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
15	AUNDH	137			00	01	10
		188			00	01	26
Total					00	02	36
16	KHARSHINGE		328		00	06	39
			332		00	02	41
			104		00	05	79
			122		00	00	47
			124		00	00	52
			154		00	00	30
			153		00	01	68
			165		00	06	55
			780		00	00	90
			779		00	03	75
			778		00	06	90
			785		00	01	50
			786		00	01	30
			787		00	02	50
			789		00	02	90
			794		00	04	10
			795		00	02	10
			796		00	03	65
			797		00	00	30
			798		00	01	40
			799		00	06	35
			814		00	01	01
			817		00	02	20
			823		00	02	13
Total					00	67	10
17	YELEE V		252		00	01	71
			827		00	00	60
Total					00	02	31
18	PALSHI		922		00	18	88
			951		00	01	00
			920		00	00	50
			874		00	00	67
			835		00	02	07
			862		00	00	69
			847		00	01	72
Total					00	25	53
19	LADEGAON		33		00	00	30
			122		00	01	17
			114		00	01	37

Taluka : KHATAV			District : SATARA		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
19 LADEGAON (Contd.)			115		00	00	62
			116		00	00	76
			99		00	03	30
			98		00	00	30
			97		00	00	34
			91		00	00	42
			90		00	00	34
			87		00	03	37
			83		00	02	21
			78		00	00	18
			74		00	02	32
			164		00	00	54
			312		00	00	56
			323		00	04	50
			382		00	01	01
			378		00	00	88
			388		00	01	46
			394		00	02	13
			393		00	00	64
			397		00	03	61
			399		00	04	30
Total					00	36	63
20 VANJHOLI			344		00	07	01
			349		00	01	70
			351		00	01	38
Total					00	10	09
21 RAHATNI			561		00	03	64
			569		00	09	30
			570		00	07	30
			571		00	00	30
			562		00	54	90
Total					00	75	44
22 CHORADE			1408		00	02	40
			1391		00	01	79
			1393		00	01	14
			1372		00	01	18
			1364		00	00	35
			1367		00	01	72
			1369		00	00	88
			964		00	02	32
			779		00	00	50
			760		00	01	35

Taluka : KHATAV		District : SATARA			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
22 CHORADE (Contd.)			754		00	02	81
			755		00	01	34
			789		00	01	29
			795		00	15	79
Total					00	34	86

[No. R-31015/32/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 5 जनवरी, 2006

का. आ. 38.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2939 तारीख 18 अगस्त, 2005, जो भारत के राजपत्र तारीख 20 अगस्त, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 18 अक्टूबर, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : गंगापुर		जिला : सवाई माधोपुर	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	टोक्सी	1046/1842	0.0020
2.	बिनेगां	907	0.0360
3.	छान	331	0.1400
4.	उदई खुर्द	3730/6279	0.0332
		3719/6323	0.0144
5.	सेवा	8/4269	0.0504
6.	चूली	566	0.0720
		567	0.1152
		568	0.2304
		740	0.0144
		739	0.2160
		739/2194	0.0144
		736	0.0720
		735	0.0040
		753	0.0072
		734	0.0040
		733	0.0648
		754	0.0432
		770	0.2592
		771	0.0936
		773	0.0144
		774	0.0648
		777	0.0144
		775	0.1296
		776	0.0720
		790	0.0040
		788	0.0288
		789	0.0072
		822	0.0504
		825	0.1008
		826	0.0288
		827	0.0848
		841	0.0648
		828	0.0144
		840	0.1008
		834	0.0432
		836	0.2736
		1025	0.0144
		1024	0.0504

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
6.	चूली (जारी...)	1010	0.1080
		1009	0.2088
		989	0.0072
		992	0.1584
		993	0.0936
		994	0.1080
		960	0.0504
		959	0.1584
		937	0.2088
7.	खरेड़ा	790	0.0762
		360	0.0076
		351	0.0288
		349	0.0010
8.	किशोरपुर	799/2569	0.1396
9.	भालपुर	1287/1418	0.0035
10.	बाढ़ टटवाड़ा	112/465	0.0072
		128	0.2016
		139	0.0072
		136	0.0144
		118/474	0.0216
		115	0.0100
11.	खंडीप	1667/4472	0.0792

[फा. सं. आर-31015/93/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 5th January, 2006

S. O. 38.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2939, dated the 18th August, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 20th August, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 18th October, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in ~~the~~ land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : GANGAPUR		DISTRICT : SAWAI MADHOPUR		STATE : RAJASTHAN	
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE		
1	2	3	4		
1.	TOKSI	1046/1842	0.0020		
2.	BINEGA	907	0.0360		
3.	CHHAN	331	0.1400		
4.	UDAY KHURD	3730/6279	0.0332		
		3719/6323	0.0144		
5.	SEVA	8/4269	0.0504		
6.	CHULI	566	0.0720		
		567	0.1152		
		568	0.2304		
		740	0.0144		
		739	0.2160		
		739/2194	0.0144		
		736	0.0720		
		735	0.0040		
		753	0.0072		
		734	0.0040		
		733	0.0648		
		754	0.0432		
		770	0.2592		
		771	0.0936		
		773	0.0144		
		774	0.0648		
		777	0.0144		
		775	0.1296		
		776	0.0720		
		790	0.0040		
		788	0.0288		
		789	0.0072		
		822	0.0504		

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
6.	CHULI (Contd.....)	825	0.1008
		826	0.0288
		827	0.0648
		841	0.0648
		828	0.0144
		840	0.1008
		834	0.0432
		836	0.2736
		1025	0.0144
		1024	0.0504
		1010	0.1080
		1009	0.2088
		989	0.0072
		992	0.1584
		993	0.0936
		994	0.1080
		960	0.0504
		959	0.1584
		937	0.2088
7.	KHAREDA	790	0.0762
		360	0.0076
		351	0.0288
		349	0.0010
8.	KISHORPUR	799/2569	0.1396
9.	BHALPUR	1287/1418	0.0035
10.	BADH TATWADA	112/465	0.0072
		128	0.2016
		139	0.0072
		136	0.0144
		118/474	0.0216
		115	0.0100
11.	KHANDIP	1667/4472	0.0792

[No. R-31015/93/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 5 जनवरी, 2006

शुद्धिपत्र

का. आ. 39.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 932, तारीख 4 मार्च, 2005 में, जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 12 मार्च 2005 में, पृष्ठ 2466 से पृष्ठ 2496 पर प्रकाशित की गई थी, निम्नलिखित संशोधन करती है, अर्थात्:-

I. उक्त अधिसूचना के हिन्दी रूपान्तर की अनुसूची में

(क) पृष्ठ संख्या 2475 पर, स्तम्भ 2 में ग्राम का नाम “सायरोली”, के स्थान पर “श्यारोली”, पढ़ें ;

(ख) पृष्ठ संख्या 2476 पर, स्तम्भ 2 में ग्राम का नाम “सायरोली - जारी”, के स्थान पर “श्यारोली-जारी”, पढ़ें ;

- (ग) पृष्ठ संख्या 2477 पर, स्तम्भ 2 में ग्राम “वजीरपुर - जारी”, के सामने स्तम्भ 3 के सर्वे नम्बर “1326”, के स्थान पर सर्वे नम्बर “1426”, रखा जाएगा ;
- (घ) पृष्ठ संख्या 2481 पर, स्तम्भ 2 में ग्राम का नाम “भालपुर (निवाजीपुर)”, के स्थान पर “भालपुर”, पढ़ें ;
- II. उक्त अधिसूचना के अंग्रेजी रूपान्तर की अनुसूची में :-**
- (ङ) पृष्ठ संख्या 2486 पर, स्तम्भ 2 में ग्राम “चूली - जारी”, के सामने स्तम्भ 3 के सर्वे नम्बर “90/2117”, के स्थान पर सर्वे नम्बर “1190/2117” रखा जाएगा ;
- (च) पृष्ठ संख्या 2489 पर, स्तम्भ 2 में ग्राम “छान”, के सामने स्तम्भ 3 के सर्वे नम्बर “338”, के सामने स्तम्भ 4 के क्षेत्रफल “0.0576”, के स्थान पर क्षेत्रफल “0.0756” रखा जाएगा ;
- (छ) पृष्ठ संख्या 2491 पर;
- (i) स्तम्भ 2 में ग्राम का नाम “सायरोली”, के स्थान पर “श्यारोली”, पढ़ें ;
- (ii) स्तम्भ 2 में ग्राम का नाम “सायरोली-जारी”, के स्थान पर “श्यारोली-जारी”, पढ़ें ;
- (ज) पृष्ठ संख्या 2494 पर, स्तम्भ 2 में, ग्राम “खंडीप”, के सामने स्तम्भ 3 के सर्वे नम्बर “640” के सामने स्तम्भ 4 के क्षेत्रफल “0.02232”, के स्थान पर क्षेत्रफल “0.2232”, रखा जाएगा ;
- (झ) पृष्ठ संख्या 2496 पर, स्तम्भ 2 में ग्राम का नाम “भालपुर (निवाजीपुर)”, के स्थान पर “भालपुर”, पढ़ें ;

[फा. सं. आर-31015/93/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 6th January, 2006

Amendment

S. O. 39.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 932 dated the 4th March, 2005, published at pages 2466 to 2496 in Part II, section 3, sub-section(ii), of the Gazette of India, dated the 12th March, 2005, namely:-

I. In Hindi version of the Schedule to the said notification:-

- (a) at page 2475, for village name “Sayroli” in column 2, read “Shyaroli”;
- (b) at page 2476, for village name “Sayroli-Contd”, in column 2, read “Shyaroli - Contd” ;
- (c) at page 2477, against village “Vazirpur-Contd” in column 2, for survey no. “1326” in column 3, the survey no. “1426” shall be substituted”;
- (d) at page 2481, for village “Bhalpur (Niwazipur)” in column 2, read “Bhalpur”;

II. In English version of the Schedule to the said notification:-

- (e) at page 2486, against village “Chuli-Contd” in column 2, for survey no. “90/2117” in column 3, the survey no. “1190/2117” shall be substituted;
- (f) at page 2489, against village “Chhan” in column 2, against survey no. “338” in column 3, for the area “0.0576” in column 4, the area “0.0756” shall be substituted;
- (g) at page 2491,
- (i) for village “Sayroli” in column 2, read village “Shyaroli”;
- (ii) for village “Sayroli-Contd”, in column 2, read village “Shyaroli-Contd”;
- (h) at page 2494, against village “Khandip” in column 2, against survey no. “640” in column 3, for the area “0.02232” in column 4, the area “0.2232” shall be substituted;
- (i) at page 2496, for village name “Bhalpur (Niwazipur)”, in column 2, read . “Bhalpur” ;

[No. R-31015/93/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 6 जनवरी, 2006

का. आ. 40.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि प्राकृतिक गैस के परिवहन के लिए जामनगर - भोपाल और काकिनाडा - हैदराबाद - गोवा पाइपलाइन को आपस में जोड़ने के लिए गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार का अर्जन के सम्बन्ध में श्री. ए. के. संघवी, सक्षम प्राधिकारी, गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड पाइपलाइन परियोजना, आनंद महल अपार्टमेंट, भुल्का भवन शाला के सामने, आनंद महल रोड, सूरत - 395009, गुजरात राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : ओलपाड	जिल्ला : सूरत	राज्य : गुजरात		
गांव का नाम	सर्वे नंबर / ब्लॉक नं	आर ओ यु अर्जित करने के लिये क्षेत्रफल		
		हेक्टर	आरे	चौ.मी
1	2	3	4	5
1. ग्यासपुर	439	00	14	38
	440	00	37	22
	441	00	27	53
	454	00	56	58
	455	00	00	99
	436	00	40	14
	रास्ता	00	05	97
	456	00	19	31
	434	00	13	78
	433	00	31	68
	432	00	13	35
	430	00	10	27
	428	00	00	47
	431	00	32	83
2. मुळद	76	00	00	26
	75	00	09	00

[फा. सं. एल-14014/38/2005-जी.पी.]

एस. बी. मंडल, अवर सचिव

New Delhi, the 6th January, 2006

S. O. 40.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through an interconnection between Jamnagar - Bhopal and Kakinada - Hyderabad - Goa pipeline, a pipeline should be laid by Gas Transportation and Infrastructure Company Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification as published in the Gazette of India under sub-section (1) of section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri.A.K.Sanghavi, Competent Authority, Gas Transportation and Infrastructure Company Limited Pipeline Project, Anand Mahal Apartment, Opposite to Bhulka Bhavan School, Anand Mahal Road, Surat – 395009, Gujarat.

SCHEDULE

Tehsil : Olpad	District : Surat	State : Gujarat		
Name of the Village	Survey No./Block No.	Area to be Acquired for ROU		
		Hectare	Are	Sq.m
1	2	3	4	5
1. Gyaspur	439	00	14	38
	440	00	37	22
	441	00	27	53
	454	00	56	58
	455	00	00	99
	436	00	40	14
	Asphalted Road	00	05	97
	456	00	19	31
	434	00	13	78
	433	00	31	68
	432	00	13	35
	430	00	10	27
	428	00	00	47
	431	00	32	83
2. Mulad	76	00	00	26
	75	00	09	00

[F. No. L-14014/38/2005-G.P.]
S. B. MANDAL, Under Secy.

नई दिल्ली, 6 जनवरी, 2006

का. आ. 41.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि प्राकृतिक गैस के परिवहन के लिए जामनगर - भोपाल और काकिनाडा - हैदराबाद - गोवा पाइपलाइन को आपस में जोड़ने के लिए गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावन्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार का अर्जन के सम्बन्ध में श्री. ए. के. संघवी, सक्षम प्राधिकारी, गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड पाइपलाइन परियोजना, आनंद महल अपार्टमेंट, भुल्का भवन शाला के सामने, आनंद महल रोड, सूरत - 395009, गुजरात राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : ओलपाड	जिल्ला : सूरत	राज्य : गुजरात		
गांव का नाम	सर्वे नंबर / ब्लॉक नं	आर ओ यु अर्जित करने के लिये क्षेत्रफल		
		हेक्टर	आरे	चौ.मी
1	2	3	4	5
1. उमरा	126	00	15	94
	127	00	20	58
	119	00	36	80
	120	00	08	10
	111	00	15	94
	112	00	13	07
	कच्चा रास्ता	00	06	02
	97	00	15	06
	रास्ता (मेटल)	00	07	06
	99	00	17	02
	98	00	32	22
	39	00	12	07
	40	00	33	89
	नहर	00	06	37
	43	00	15	22
	44	00	08	20
	42	00	17	27
	45	00	10	74
	46/3	00	08	46
	32	00	13	78
	29	00	29	48
	28	00	01	49

1	2	3	4	5
2. गोयाण	गटर	00	04	35
	214	00	12	80
	213	00	38	82
	210	00	00	40
	212	00	01	02
	211	00	26	58
	231	00	25	24
	कच्चा रास्ता	00	00	44
	233	00	10	71
	234	00	30	44
	235	00	00	44
	238	00	28	28
	259	00	35	16
	237	00	00	40
	255	00	25	16
	कच्चा रास्ता	00	00	51
	गटर	00	00	60
	256	00	00	40
	252	00	24	45
	250	00	21	91
	251	00	09	00
	डामर रास्ता	00	03	42
	291	00	24	11
	290	00	02	90
	294	00	09	92
	288	00	36	74
	287	00	20	31
	283	00	00	87
	284	00	00	40
	286	00	13	45
	रेल्वे	00	06	60
	331	00	22	95
	कच्चा रास्ता	00	00	77
	339	00	08	80
	340	00	09	93
	338	00	01	95
	341	00	19	19
	फील्ड चैनल	00	04	28
	342	00	50	47
	फील्ड चैनल	00	00	40
	363	00	00	57
	364	00	34	24
	359	00	18	40
	374	00	23	43
	375	00	02	18
	फील्ड चैनल	00	00	40
3. वसवारी	फील्ड चैनल	00	11	57
	192	00	10	59
	193	00	11	73

1	2	3	4	5
3. वसवासी (जिन्सी...)	196	00	17	07
	डामर रास्ता	00	02	21
	9	00	12	46
	नहर	00	04	93
	12	00	00	10
4. कनाद	66	00	29	37
	68	00	15	08
	नहर	00	08	30
	70	00	19	70
	71	00	16	85
	73	00	09	29
	84	00	24	68
	83	00	08	28
	82	00	16	73
	81	00	01	91
	85	00	05	94
	86	00	00	10
	डामर रास्ता	00	03	76
	111	00	41	03
5. सरोली	89	00	23	00
	102	00	18	53
	103	00	30	25
	125	00	14	88
	133	00	21	44
	134	00	10	21
	132	00	04	92
	138	00	02	40
	139	00	14	13
	140	00	13	49
	119	00	00	14
	141	00	04	76
	145	00	05	99
	144	00	55	16
	143	00	16	89
	154	00	00	19
	राज्य धोरीमार्ग	00	08	61
	158	00	03	64
	157	00	02	54
	159	00	10	65
	165	00	17	64
	नहर	00	08	68
तहसील : चौर्यासी	जिल्ला : सुरत	राज्य : गुजरात		
1. वरीयाव	856/1	00	06	26
	854/2	00	01	98
	842	00	06	98
	843	00	08	53
	844	00	01	51
	845	00	07	13
	कच्चा रास्ता	00	02	41
	839	00	18	69

1	2	3	4	5
निरंतर...वरीयाव	838	00	04	70
	837/1	00	00	30
	नहर	00	01	16
	836	00	34	22
	835	00	00	92
	834	00	41	88
	825/1	00	19	66
	820/1	00	23	77
	817/1	00	27	10
	793	00	18	88
	794/1	00	37	95
	डमर रास्ता	00	04	32
	972	00	00	10
	795/1	00	07	86
	796/1	00	28	45
	799	00	25	85
	967	00	67	75
	969	00	49	12
	974	00	18	16
	975	00	16	33
	976	00	20	08
	977	00	13	59
	978	00	19	09
	1073	00	14	09
	1072	00	12	80
	990	00	03	82
	1071	00	20	92
	991	00	02	29
	1068	00	26	83
	1066	00	03	91
	1065	00	39	70
	1062	00	35	74
	1059	00	13	44
	1060	00	09	15
	1058	00	19	18
	1005	00	42	84
	1006	00	28	29
	1008	00	08	61
	1015	00	14	54
	1014	00	17	45
	1016	00	01	09
	1017	00	46	67
	1018	00	27	39
	नाला	00	06	09
	237	00	26	32
	238	00	01	99
	236	00	06	63
	235	00	26	35
	234	00	01	42
	डमर रास्ता	00	01	42

1	2	3	4	5
निरंतर...बरीयाव	274	00	23	01
	276/1	00	18	70
	डामर रास्ता	00	07	70
	276/2	00	03	14
	226/1	00	10	05
	224	00	27	71
	नहर	00	01	99
	195/1	00	11	27
	नहर	00	19	00
	195/2	00	12	50
	196	00	21	18
	202	00	17	98
	201	00	13	91
	199	00	15	44
	144	00	03	64
	123	00	57	90
	121	00	25	65
	119	00	14	41
	118	00	14	91
	91	00	44	89
	89	00	31	39
2. विहेल	24	00	24	71
	25/भ	00	16	18
	23	00	00	35
	25/अ	00	06	75
	26	00	11	25
	30	00	12	59
	29	00	29	31
	33	00	01	86
	34	00	11	94
	2	00	59	67
	7	00	10	69
	5	00	06	03
	6	00	19	15
	8	00	25	81
3. वणकला	110	00	00	90
	151/पे	00	27	86
	150	00	11	74
	नहर	00	07	28
	151	00	20	90
	152	00	24	40
	153	00	27	72
	106	00	08	42
	155	00	07	85
	33 पे	00	05	44
	रास्ता (मेटल)	00	02	74
	33	00	08	23
	32	00	06	70
	31	00	00	51
	34	00	11	44

1	2	3	4	5
निरंतर...ओखा	30	00	18	14
	29	00	19	40
	नहर	00	10	91
	28	00	11	61
	27	00	00	10
	26	00	32	96
	25	00	18	95
	डामर रास्ता	00	05	70
	24	00	01	24
4. ओखा	84/अ	00	40	95
	85	00	18	40
	82	00	13	29
	92	00	19	63
	93	00	07	26
	78	00	49	44
	77	00	20	37
	114	00	21	21
	117	00	29	83
	119	00	00	15
	116	00	00	10
	120	00	38	44
	125	00	06	59
	124 पै	00	08	97
	नहर	00	09	27
	124	00	17	62
	126	00	18	23
5. भेसाण	98	00	08	36
	97	00	29	77
	96	00	31	62
	93	00	00	27
	95	00	02	51
	94	00	31	48
	87	00	22	79
	कच्चा रास्ता	00	00	41
	86	00	09	59
	84	00	10	13
	85	00	19	82
	485	00	09	18
	486	00	40	72
	487	00	23	50
	461	00	02	72
	444	00	26	65
	447	00	20	69
	446	00	01	58
	448	00	28	70
	डामर रास्ता	00	04	42
	438	00	10	40
	433	00	45	21
	434	00	10	71
	432	00	07	87
	431	00	02	33
	430	00	07	73

1	2	3	4	5
6. मलगावा	82	00	02	91
	83	00	39	92
	43	00	01	75
	नाला	00	16	17
	44	00	01	62
	16	00	05	73
	15	00	11	72
	8	00	00	10
	9	00	08	74
	7	00	04	13
	6	00	01	67
	5	00	00	12
	10	00	05	76
	2	00	00	10
	23/अ	00	14	02
	नाला	00	47	15
	231	00	02	76
	234	00	48	54
	245	00	00	10
	235	00	08	81
	246	00	03	86
	225	00	23	33
	221	00	05	75
	222	00	00	10
	224	00	06	44
	223	00	00	38
7. आसरवा	6	00	07	87
	5	00	18	12
	4	00	21	77
	2/भ	00	06	02
	नाला	00	05	23
	1	00	34	61
	तेणा नदी	00	22	73
8. इच्छापोर	तेणा नदी	00	22	24
	877	00	15	03
	878	00	37	30
	879	00	33	28
	926	00	10	94
	923	00	35	15
	921	00	00	14
	922	00	25	66
	890	00	25	57
	793+794	00	16	86
	816	00	06	83
	815	00	05	00
	813	00	17	83
	810	00	14	94
	811	00	00	24
	808	00	15	89
	804	00	09	00

1	2	3	4	5
विराट... बुच्छापीर	805	00	09	88
	766	00	16	35
	765	00	15	97
	736	00	20	14
	737	00	24	15
	नहर	00	09	20
	733	00	01	60
	732	00	20	06
	718	00	26	23
	717	00	26	49
9. दामका	445	00	39	55
	446	00	29	77
	448	00	20	42
	449	00	06	40
	441	00	53	05
	440	00	13	31
	439	00	09	57
	435/म	00	57	41
	436	00	09	85
	435/अ	01	46	24
	खाडी	00	70	82
10. भटलाइ	98	00	18	53
	97/4	00	09	78
	97/3	00	01	08
	96	00	31	78
	93	00	23	81
	95	00	02	50
	94	00	27	69
	89	00	09	64
	90	00	13	66
	खाडी	00	12	84
11. मोरा	166	00	11	52
	165	00	28	60
	156	00	41	90
	157	00	00	20
	नहर	00	09	97
	151	00	36	58
	152	00	32	71
	263	00	28	40
	148	00	11	21

[फा. सं. एल-14014/39/2005-जी.पी.]

एस. बी. मंडल, अवर सचिव

New Delhi, the 6th January, 2006

S. O. 41.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through an interconnection between Jamnagar - Bhopal and Kakinada - Hyderabad - Goa pipeline, a pipeline should be laid by Gas Transportation and Infrastructure Company Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification as published in the Gazette of India under sub-section (1) of section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri.A.K.Sanghavi, Competent Authority, Gas Transportation and Infrastructure Company Limited Pipeline Project, Anand Mahal Apartment, Opposite to Bhulka Bhavan School, Anand Mahal Road, Surat – 395009, Gujarat.

SCHEDULE

Taluka : Olpad	Dist : Surat	State: Gujrat		
Name of the Village	Survey No./Block No.	Area to be Acquired for ROU		
		Hectare	Are	Sq.m
1	2	3	4	5
1. Umara	126	00	15	94
	127	00	20	58
	119	00	36	80
	120	00	08	10
	111	00	15	94
	112	00	13	07
	Cart Track	00	06	02
	97	00	15	06
	Metal Road	00	07	06
	99	00	17	02
	98	00	32	22
	39	00	12	07
	40	00	33	89
	Canal	00	06	37
	43	00	15	22
	44	00	08	20
	42	00	17	27
	45	00	10	74
	46/3	00	08	46
	32	00	13	78
	29	00	29	48
	28	00	01	49

1	2	3	4	5
2. Gothan	Drain	00	04	35
	214	00	12	80
	213	00	38	82
	210	00	00	40
	212	00	01	02
	211	00	26	58
	231	00	25	24
	Cart Track	00	00	44
	233	00	10	71
	234	00	30	44
	235	00	00	44
	238	00	28	28
	259	00	35	16
	237	00	00	40
	255	00	25	16
	Cart Track	00	00	51
	Drain	00	00	60
	256	00	00	40
	252	00	24	45
	250	00	21	91
	251	00	09	00
	Asphalted Road	00	03	42
	291	00	24	11
	290	00	02	90
	294	00	09	92
	288	00	36	74
	287	00	20	31
	283	00	00	87
	284	00	00	40
	286	00	13	45
	Railway Line	00	06	60
	331	00	22	95
	Cart Track	00	00	77
	339	00	08	80
	340	00	09	93
	338	00	01	95
	341	00	19	19
	Filed Channal	00	04	28
	342	00	50	47
	Filed Channal	00	00	40
	363	00	00	57
	364	00	34	24
	359	00	18	40
	374	00	23	43
	375	00	02	18
	Filed Channal	00	00	40
3. Vasvai	Filed Channal	00	11	57
	192	00	10	59
	193	00	11	73
	196	00	17	07
	Asphalted Road	00	02	21
	9	00	12	46
	Canal	00	04	93
	12	00	00	10
4. Kanad	66	00	29	37
	68	00	15	08
	Canal	00	08	30
	70	00	19	70
	71	00	16	85
	73	00	09	29

1	2	3	4	5
4. Kanad Contd.)	84	00	24	68
	83	00	08	28
	82	00	16	73
	81	00	01	91
	85	00	05	94
	86	00	00	10
	Asphalted Road	00	03	76
	111	00	41	03
5. Saroli	89	00	23	00
	102	00	18	53
	103	00	30	25
	125	00	14	88
	133	00	21	44
	134	00	10	21
	132	00	04	92
	138	00	02	40
	139	00	14	13
	140	00	13	49
	119	00	00	14
	141	00	04	76
	145	00	05	99
	144	00	55	16
	143	00	16	89
	154	00	00	19
	Road (SH)	00	08	61
	158	00	03	64
	157	00	02	54
	159	00	10	65
	165	00	17	64
	Canal	00	08	68
Taluka : Chourasi	Dist : Surat	State: Gujrat		
1. Variav	856/1	00	06	26
	854/2	00	01	98
	842	00	06	98
	843	00	08	53
	844	00	01	51
	845	00	07	13
	Cart Track	00	02	41
	839	00	18	69
	838	00	04	70
	837/1	00	00	30
	Canal	00	01	16
	836	00	34	22
	835	00	00	92
	834	00	41	88
	825/1	00	19	66
	820/1	00	23	77
	817/1	00	27	10
	793	00	18	88
	794/1	00	37	95
	Asphalted Road	00	04	32
	794/2	00	00	10
	795/1	00	07	86
	796/1	00	28	45
	799	00	25	85
	967	00	67	75
	969	00	49	12
	974	00	18	16
	975	00	16	33
	976	00	20	08

1	2	3	4	5
Contd...Variav	977	00	13	59
	978	00	19	09
	1073	00	14	09
	1072	00	12	80
	990	00	03	82
	1071	00	20	92
	991	00	02	29
	1068	00	26	83
	1066	00	03	91
	1065	00	39	70
	1062	00	35	74
	1059	00	13	44
	1060	00	09	15
	1058	00	19	18
	1057	00	42	84
	1056	00	28	29
	1008	00	08	61
	1015	00	14	54
	1014	00	17	45
	1016	00	01	09
	1017	00	46	67
	1018	00	27	39
	Nala	00	06	09
	237	00	26	32
	238	00	01	99
	236	00	06	63
	235	00	26	35
	234	00	01	42
	Asphalted Road	00	01	42
	274	00	23	01
	276/1	00	18	70
	Asphalted Road	00	07	70
	276/2	00	03	14
	226/1	00	10	05
	224	00	27	71
	Canal	00	01	99
	195/1	00	11	27
	Canal	00	19	00
	195/2	00	12	50
	196	00	21	18
	202	00	17	98
	201	00	13	91
	199	00	15	44
	144	00	03	64
	123	00	57	90
	121	00	25	65
	119	00	14	41
	118	00	14	91
	91	00	44	89
	89	00	31	39
2. Vihal	24	00	24	71
	25/B	00	16	18
	23	00	00	35
	25/A	00	06	75
	26	00	11	25
	30	00	12	59
	29	00	29	31
	33	00	01	86
	34	00	11	94

1	2	3	4	5
2. Vihad Contd...	2	00	59	67
	7	00	10	69
	5	00	06	03
	6	00	19	15
	8	00	25	81
3. Vankala	110	00	00	90
	151/P	00	27	86
	150	00	11	74
	Canal	00	07	28
	151	00	20	90
	152	00	24	40
	153	00	27	72
	106	00	08	42
	155	00	07	85
	33 P	00	05	44
	Metal Road	00	02	74
	33	00	08	23
	32	00	06	70
	31	00	00	51
	34	00	11	44
	30	00	18	74
	29	00	19	40
	Canal	00	10	91
	28	00	11	61
	27	00	00	10
	26	00	32	96
	25	00	18	95
	Asphalted Road	00	05	70
	24	00	01	24
4. Okha	84/A	00	40	95
	85	00	18	40
	82	00	13	29
	92	00	19	63
	93	00	07	26
	78	00	49	44
	77	00	20	37
	114	00	21	21
	117	00	29	83
	119	00	00	15
	116	00	00	10
	120	00	38	44
	125	00	06	59
	124P	00	08	97
	Canal	00	09	27
	124	00	17	62
	126	00	18	23
5. Bhesan	98	00	08	36
	97	00	29	77
	96	00	31	62
	93	00	00	27
	95	00	02	51
	94	00	31	48
	87	00	22	79
	Can Track	00	00	41
	86	00	09	59
	84	00	10	13
	85	00	19	82
	485	00	09	18
	486	00	40	72
	487	00	23	50

1	2	3	4	5
5. Bhesan (Contd...)	461	00	02	72
	444	00	26	65
	447	00	20	69
	446	00	01	58
	448	00	28	70
	Asphalted Road	00	04	42
	438	00	10	40
	433	00	45	21
	434	00	10	71
	432	00	07	87
	431	00	02	33
	430	00	07	73
6. Malgama	82	00	02	91
	83	00	39	92
	43	00	01	75
	Nala	00	16	17
	44	00	01	62
	16	00	05	73
	15	00	11	72
	8	00	00	10
	9	00	08	74
	7	00	04	13
	6	00	01	67
	5	00	00	12
	10	00	05	76
	2	00	00	10
	23/A	00	14	02
	Nala	00	47	15
	231	00	02	76
	234	00	48	54
	245	00	00	10
	235	00	08	81
	246	00	03	86
	225	00	23	33
	221	00	05	75
	222	00	00	10
	224	00	06	44
	223	00	00	38
7. Asarma	6	00	07	87
	5	00	18	12
	4	00	21	77
	2/B	00	06	02
	Nala	00	05	23
	1	00	34	61
	Tena River	00	22	73
8. Ichchhapur	Tena River	00	22	24
	877	00	15	03
	878	00	37	30
	879	00	33	28
	926	00	10	94
	923	00	35	15
	921	00	00	14
	922	00	25	66
	890	00	25	57
	793+794	00	16	86
	816	00	06	83
	815	00	05	00
	813	00	17	83
	810	00	14	94

1	2	3	4	5
Contd...Ichchhapur	811	00	00	24
	808	00	15	89
	804	00	09	00
	805	00	09	88
	766	00	16	35
	765	00	15	97
	736	00	20	14
	737	00	24	15
	Canal	00	09	20
	733	00	01	60
	732	00	20	06
	718	00	26	23
	717	00	26	49
9. Damaka	445	00	39	55
	446	00	29	77
	448	00	20	42
	449	00	06	40
	441	00	53	05
	440	00	13	31
	439	00	09	57
	435/B	00	57	41
	436	00	09	85
	435/A	01	46	24
	Creek	00	70	82
10. Bhatlai	98	00	18	53
	97/4	00	09	78
	97/3	00	01	08
	96	00	31	78
	93	00	23	81
	95	00	02	50
	94	00	27	69
	89	00	09	64
	90	00	13	66
	Creek	00	12	84
11. Mora	166	00	11	52
	165	00	28	60
	156	00	41	90
	157	00	00	20
	Canal	00	09	97
	151	00	36	58
	152	00	32	71
	263	00	28	40
	148	00	11	21

[F. No. L-14014/39/2005-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 6 जनवरी, 2006

का. आ. 42.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मेसर्स गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड की संवर्धक कम्पनी मेसर्स रिलाएंस इंडस्ट्रीज लिमिटेड के गोवा के उत्तरी/ दक्षिणी अपतट के खोज ब्लॉकों और आन्ध्रप्रदेश राज्य की संरचनाओं से आन्ध्रप्रदेश राज्य के कृष्णा और खम्मम जिलों के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिये मेसर्स गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिये ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिससे उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिनों के भीतर भूमि के नीचे पाइपलाइन विछाए जाने के लिए उपयोग के अधिकार के अर्जन के लिए श्री. पी. वुच्चारेडडी, सक्षम प्राधिकारी, गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड, पाइपलाइन परियोजना, 403, 'सी' एवरेस्ट ब्लाक, आदित्या एन्कलेव, अमीरपेट, हैदराबाद, आंध्रप्रदेश राज्य पिन 500 038 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूचि				
गांव का नाम	सर्वे सं. /सब डिविजन सं.	आर ओ यू अर्जित करने के लिए क्षेत्रफल		
		हेक्टर	एर	सि एर
1	2	3	4	5
मंडल : मधिरा	जिल्ला : खम्मम	राज्य : आन्ध्रा प्रदेश		
1) चिलुक्कुर	169	0	96	05
	187	0	91	20
	205	0	41	30
	206	0	41	65
	208	0	44	65
	219	0	82	40
	सर्वे नं 187/1 में	0	07	15
	219 और गांव के तट के पास	0	50	05
मंडल : नंदिगामा	जिल्ला : कृष्णा	राज्य : आन्ध्रा प्रदेश		
1) दामूलु	2/4	0	64	30
	19/1ए	0	23	05
	19/2ए	0	18	50
	19/3ए	0	25	50
	19/4बी1	0	23	35
	20/1	0	03	75
	20/2	0	04	20
	22/1ए	0	88	70
	22/2	0	25	75
	24/1ए	0	08	75
	24/1बी	0	12	10
	24/1सी	0	00	40
	24/2ए1	0	10	10
	24/2ए3	0	34	30
	26/1	0	43	05

1	2	3	4	5
1) दामूलू (निरंतर)	26/2	0	38	65
	37/1बी	0	09	75
	37/2ए	0	01	20
	37/3ए	0	27	70
	37/3बी	0	08	55
	37/4ए	0	32	35
	37/4बी	0	18	40
	38/4	0	20	05
	38/6	0	15	50
	38/7	0	31	65
	38/8	0	19	10
	38/9	0	21	80
	39/10	0	10	95
	39/5	0	19	40
	39/6	0	29	90
	39/8	0	27	15
	121/2	0	09	25
	135/2	0	37	75
	136/1ए	0	28	95
	136/1बी	0	00	65
	136/2ए1	0	21	50
	136/2बी1	0	07	85
	137/1ए	0	05	85
	137/1बी	0	19	10
	137/2बी	0	01	75
	137/3	0	36	75
	137/4	0	33	25
	138/2	0	42	90
2) तोरगुडिपाडु	3/1	0	20	85
	3/2	0	51	40
	18	0	49	85
	19	0	81	15
	20/2	0	01	65
	25	0	57	35
	26/1बी2	0	04	95
	26/1बी3	0	22	25
	28/1ए	0	35	90
	28/1बी	0	08	10

1	2	3	4	5
2) तोरगुडिपाडु (निरंतर)	28/2	0	40	00
	29/1	0	72	30
	29/2	0	01	55
	32/1	0	00	95
	32/2	0	18	25
	35/1ए	0	15	60
	35/2ए	0	15	85
	35/3ए	0	15	20
	35/4ए	0	19	25
	35/5	0	28	25
	37	0	04	90
	सर्वे नं 25 में	0	06	90
3) रामरिडिडपल्लि	2/1	0	13	20
	2/3	0	30	60
	4/3	0	18	00
	5/6	0	05	15
	5/7	0	11	15
	6/2	0	06	00
	6/3	0	07	85
	7/2	0	06	50
	10/2	0	04	45
	11/2	0	06	90
	18/1	0	00	15
	18/2	0	32	05
	18/3	0	21	65
	18/4	0	02	00
	19	0	16	30
	72/3	0	34	60
	73/1	0	22	95
	73/2	0	04	35
	73/3	0	28	70
	74/3	0	38	00
	80	0	07	00
	81/4	0	03	45
	81/5	0	09	65
	81/6	0	10	45
	81/7	0	03	25
	81/8	0	13	10
	81/9	0	12	40

1	2	3	4	5
3) रामीरिडिडपल्लि (निरंतर)	82	0	06	80
	119/3	1	04	15
	119/4	0	01	50
	123	0	12	30
	179	0	12	00
	180/2	0	08	35
	180/4	0	06	70
	188/2	0	10	80
	189/2	0	09	70
	192/2	0	09	40
	193/2	0	09	95
	194/2	0	10	15
	195/2	0	10	90
	195/3ए	0	03	20
	195/3बी	0	19	50
	196/4	0	10	40
	196/5	0	11	05
	198	0	21	90

[फा. सं. एल-14014/16/2003-जी.पी.]

एस. बी. मंडल, अवर सचिव

New Delhi, the 6th January, 2006

S. O. 42.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from the exploration blocks in the Northern/Southern Offshore of Goa and Structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Gas Transportation and Infrastructure Company Limited to the various consumers of Krishna and Khammam Districts in the state of Andhra Pradesh, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

And whereas it appears to the Central Government that for the purpose of laying the said Pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962(50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri. P. Butcha Reddy, Competent Authority, Gas Transportation and Infrastructure Company Limited, Pipeline Project, 403, 'C'-Everest Block, Aditya Enclave, Ameerpet, Hyderabad, Andhra Pradesh, Pin-500 038.

Schedule				
Village	Survey No./Sub-Division No.	Area to be acquired for ROU		
		Hectare	Are	C-Are
1	2	3	4	5

Mandal : Madhira District : Khammam State : Andhra Pradesh

1. Chilukuru	169	0	96	05
	187	0	91	20
	205	0	41	30
	206	0	41	65
	208	0	44	65
	219	0	82	40
	In Sy. No.187/1	0	07	15
	In Bet Svy No. 219 & Vg Boundry	0	50	05

Mandal : Nandigama District : Krishna State : Andhra Pradesh

1. Damuluru	2/4	0	64	30
	19/1A	0	23	05
	19/2A	0	18	50
	19/3A	0	25	50
	19/4B1	0	23	35
	20/1	0	03	75
	20/2	0	04	20
	22/1A	0	88	70
	22/2	0	25	75
	24/1A	0	08	75
	24/1B	0	12	10
	24/1C	0	00	40
	24/2A1	0	10	10
	24/2A3	0	34	30
	26/1	0	43	05
	26/2	0	38	65
	37/1B	0	09	75
	37/2A	0	01	20
	37/3A	0	27	70
	37/3B	0	08	55
	37/4A	0	32	35
	37/4B	0	18	40

1	2	3	4	5
1. Damuluru (Contd.)	38/4	0	20	05
	38/6	0	15	50
	38/7	0	31	65
	38/8	0	19	10
	38/9	0	21	80
	39/10	0	10	95
	39/5	0	19	40
	39/6	0	29	90
	39/8	0	27	15
	121/2	0	09	25
	135/2	0	37	75
	136/1A	0	28	95
	136/1B	0	00	65
	136/2A1	0	21	50
	136/2B1	0	07	85
	137/1A	0	05	85
	137/1B	0	19	10
	137/2B	0	01	75
	137/3	0	36	75
	137/4	0	33	25
	138/2	0	42	90
2. Torragudipadu	3/1	0	20	85
	3/2	0	51	40
	18	0	49	85
	19	0	81	15
	20/2	0	01	65
	25	0	57	35
	26/1B2	0	04	95
	26/1B3	0	22	25
	28/1A	0	35	90
	28/1B	0	08	10
	28/2	0	40	00
	29/1	0	72	30
	29/2	0	01	55
	32/1	0	00	95

1	2	3	4	5
2. Torragudipadu (Contd.)	32/2	0	18	25
	35/1A	0	15	60
	35/2A	0	15	85
	35/3A	0	15	20
	35/4A	0	19	25
	35/5	0	28	25
	37	0	04	90
	In Sy. No.25	0	06	90
3. Ramireddipalli	2/1	0	13	20
	2/3	0	30	60
	4/3	0	18	00
	5/6	0	05	15
	5/7	0	11	15
	6/2	0	06	00
	6/3	0	07	85
	7/2	0	06	50
	10/2	0	04	45
	11/2	0	06	90
	18/1	0	00	15
	18/2	0	32	05
	18/3	0	21	65
	18/4	0	02	00
	19	0	16	30
	72/3	0	34	60
	73/1	0	22	95
	73/2	0	04	35
	73/3	0	28	70
	74/3	0	38	00
	80	0	07	00
	81/4	0	03	45
	81/5	0	09	65
	81/6	0	10	45
	81/7	0	03	25
	81/8	0	13	10
	81/9	0	12	40

1	2	3	4	5
3. Ramireddipalli (Contd.)	82	0	06	80
	119/3	1	04	15
	119/4	0	01	50
	123	0	12	30
	179	0	12	00
	180/2	0	08	35
	180/4	0	06	70
	188/2	0	10	80
	189/2	0	09	70
	192/2	0	09	40
	193/2	0	09	95
	194/2	0	10	15
	195/2	0	10	90
	195/3A	0	03	20
	195/3B	0	19	50
	196/4	0	10	40
	196/5	0	11	05
	198	0	21	90

[F. No. L-14014/16/2003-G.P.]
S. B. MANDAL, Under Secy.

नई दिल्ली, 6 जनवरी, 2005

का. आ. 43.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मेसर्स गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड की संप्रवर्तक कम्पनी मेसर्स रिलाएंस इंडस्ट्रीज लिमिटेड के गोवा में उत्तरी/ दक्षिणी अपतट में खोज ब्लॉकों और आन्ध्रप्रदेश में संरचनाओं से आन्ध्रप्रदेश राज्य में नलगोंडा, रंगारेड्डी और मेदक जिलों के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिये मेसर्स गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिये ;

और, केन्द्रीय सरकार को उक्त पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर पाइपलाइनें बिछाने जाने का प्रस्ताव है, और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर पाइपलाइनें बिछाए जाने के लिए उपयोग के अधिकार के अर्जन के लिए श्री. पी. वुच्चारेड्डी, सक्षम प्राधिकारी, गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड, पाइपलाइन परियोजना, 403, 'सी' एवरेस्ट ब्लाक, आदित्या एन्कलेव, अमीरपेट, हैदराबाद, आंध्रप्रदेश राज्य पिन 500 038 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूचि				
गांव का नाम	सर्वे सं. /सब डिविजन सं.	आर ओ यू अर्जित करने के लिए श्रेत्रफल		
		हेक्टर	एर	सि एर
1	2	3	4	5
मंडल : भुवनगिरि	जिल्ला : नलगोंडा	राज्य : आन्ध्र प्रदेश		
1) तुक्कापूर	223	0	74	10
	228*	0	28	85
	230	0	00	10
	231*	0	10	30
	232*	0	23	50
2) भुवनगिरि	382	0	81	65
	383*	0	82	85
	384*	0	55	95
	389	0	95	65
	390	0	07	30
	391	0	43	65
	393	0	74	75
	394	0	89	00
	396	0	83	05
	399	0	40	20
	400	0	17	75
	401	0	78	75
	402	0	01	90
	403	0	23	75
	438	0	68	25
	445	0	16	55
	446	0	50	75
	447	0	95	75
	472	0	08	90
	474	0	28	00
	475	0	15	85
	476	0	15	95
	477	0	00	30
	478	0	49	70
	479	0	04	75
	483	0	11	55
	542	0	60	95
	688	0	18	95

1	2	3	4	5
2) भुवनेश्वर (निरंतर)	689	0	91	45
	700*	0	18	55
	722	0	04	40
	725	0	70	05
	726	0	50	35
	727	0	84	65
	728	0	00	35
	729	0	83	50
	सर्वे सं 396 और 401 के बीच में	0	09	30
	सर्वे नं 403 में	0	03	60
	सर्वे नं 725 में	0	06	50
3) बोम्बाईपल्लि	10	0	47	70
	12	0	19	75
	13	0	18	85
	14	0	08	35
	21	0	82	40
	120	0	39	65
	133	0	40	15
	134	0	50	90
	139	0	54	60
	140	0	32	60
	141	0	40	10
	सर्वे सं 10 और 140 के बीच में	0	07	25
	सर्वे नं 140 में	0	03	90
मंडल : मेडचल	जिल्ला : रंगारेड्डी	राज्य : आन्ध्रा प्रदेश		
1) मेडचल	384	0	16	35
	392	0	07	65
	393	0	03	05
	394	0	10	25
	398*	0	13	35
	434*	0	17	70
	881*	0	07	50
	885*	0	18	60
	893* (गवर्नमेंट ल्यान्ड)	0	23	60
	897* (गवर्नमेंट ल्यान्ड)	0	88	20
	सर्वे सं 398 और 893 के बीच में	0	08	70

1	2	3	4	5
मंडल : खुत्बुल्लापूर	जिल्ला : रंगारेड्डी		राज्य : आन्ध्र प्रदेश	
1) दुडिगल	756	0	13	00
	757	0	26	45
	759	0	21	90
	760	0	05	35
	761	0	25	85
	762	0	25	25
	766	0	11	90
	767	0	58	85
	768	0	02	05
	770	0	00	60
	775	0	22	15
	776	0	27	00
	777	0	00	15
	778	0	17	75
	779	0	20	30
	781	0	04	85
	871	0	87	60
	सर्वे सं 974 और 871 के बीच में	0	31	35
1) गगिल्लापूर	13	0	70	90
	21	0	03	20
	22	0	15	65
	23	0	17	10
	24	0	00	85
	26	0	12	75
	29	0	21	20
	30	0	05	35
	189	0	63	45
	191	0	20	70
	195	0	00	70
	197	0	01	10
	198	0	88	00
	199	0	03	85
	200	0	56	90
	201/1	0	24	50
	201/40	0	28	15

	2	3	4	5
1) गांधिलखुर्द जिला,	202	0	14	70
	229	0	01	05
	230	0	69	15
	231	0	37	15
	232	0	33	30
सर्वे सं 232 और 191 के बीच में		0	09	60
सर्वे सं 198 और 197 में		0	03	90
मंडल : रायचूर	जिल्ला : रंगारेड्डी		राज्य : आन्ध्रा प्रदेश	
1) रायचूर जिला,	84*	0	10	85
	100	0	01	70
	101	0	20	20
	102* (गवर्नमेंट ल्यान्ड)	1	76	95
	105*	0	39	55
	1273* (गवर्नमेंट ल्यान्ड)	4	65	50
सर्वे सं 102 और 1273 के बीच में		0	09	20
सर्वे सं 101 और 102 में		0	04	10

* का.आ. 1/2003, दिनांक: 16-06-2003 द्वारा पी.एम.पी. ऐक्ट, 1962 की धारा 3 की उपधारा (1) के अन्तर्गत सूचित किये गये सर्वे नंबर। इस अधिसूचना में संशोधन किया है।

[फा. सं. एल-14014/23/2003-जी.पी.]

एस. बी. मंडल, अवर सचिव

New Delhi, the 6th January, 2006

S. O. 43.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from the exploration blocks in the Northern/Southern Offshore of Goa and Structures in Andhra Pradesh of M/s Nalanda Industries Limited, the promoter company of M/s Gas Transportation and Infrastructure Company Limited to the various consumers of Nalgonda, Rangareddy and Medak Districts in the state of Andhra Pradesh, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

Whereas it appears to the Central Government that for the purpose of laying the said Pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

And whereas any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri. P. Butcha Reddy, Competent Authority, Gas Transportation and Infrastructure Company Limited, Pipeline Project, 403, 'C'-Block, Forest Block, Aditya Enclave, Ameerpet, Hyderabad, Andhra Pradesh, Pin-500 038.

Schedule

Village	Survey No./Sub-Division No.	Area to be acquired for ROU		
		Hectare	Are	C-Are
1	2	3	4	5
Mandal : Bhuvanagiri	District : Nalgonda	State : Andhra Pradesh		
1. Thukkapur	223	0	74	10
	228*	0	28	85
	230	0	00	10
	231*	0	10	30
	233*	0	23	50
2. Bhuvanagiri	382	0	81	65
	383*	0	82	85
	384*	0	55	95
	389	0	95	65
	390	0	07	30
	391	0	43	65
	393	0	74	75
	394	0	89	00
	396	0	83	05
	399	0	40	20
	400	0	17	75
	401	0	78	75
	402	0	01	90
	403	0	23	75
	438	0	68	25
	445	0	16	55
	446	0	50	75
	447	0	95	75
	472	0	08	90
	474	0	28	00
	475	0	15	85
	476	0	15	95
	477	0	00	30
	478	0	49	70
	479	0	04	75
	483	0	11	55
	542	0	60	95
	688	0	18	95

1	2	3	4	5
2. Bhuvanagiri (Contd.)	689	0	91	45
	700*	0	18	55
	722	0	04	40
	725	0	70	05
	726	0	50	35
	727	0	84	65
	728	0	00	35
	729	0	83	50
	In Bet Sy.No.396 &401	0	09	30
	In Sy. No.403	0	03	60
	In Sy. No.725	0	06	50
3. Bommaipalli	10	0	47	70
	12	0	19	75
	13	0	18	85
	14	0	08	35
	21	0	82	40
	120	0	39	65
	133	0	40	15
	134	0	50	90
	139	0	54	60
	140	0	32	60
	141	0	40	10
	In Bet Sy.No.10&140	0	07	25
	In Sy. No.140	0	03	90
Mandal : Medchal	District : Rangareddy	State : Andhra Pradesh		
1. Medchal	384	0	16	35
	392	0	07	65
	393	0	03	05
	394	0	10	25
	398*	0	13	35
	434*	0	17	70
	881*	0	07	50
	885*	0	18	60
	893* (Government Land)	0	23	60
	897* (Government Land)	0	88	20
	In Bet Sy.No.398 &893	0	08	70

1	2	3	4	5
Mandal : Qutbullapur	District : Rangareddy	State : Andhra Pradesh		
1. Dundigal	756	0	13	00
	757	0	26	45
	759	0	21	90
	760	0	05	35
	761	0	25	85
	762	0	25	25
	766	0	11	90
	767	0	58	85
	768	0	02	05
	770	0	00	60
	775	0	22	15
	776	0	27	00
	777	0	00	15
	778	0	17	75
	779	0	20	30
	781	0	04	85
	871	0	87	60
	In Bet 974 & 871	0	31	35
2. Gagillapur	13	0	70	90
	21	0	03	20
	22	0	15	65
	23	0	17	10
	24	0	00	85
	26	0	12	75
	29	0	21	20
	30	0	05	35
	189	0	63	45
	191	0	20	70
	195	0	00	70
	197	0	01	10
	198	0	88	00
	199	0	03	85
	200	0	56	90
	201/1	0	24	50
	201/40	0	28	15

1	2	3	4	5
2. Gagillapur (Contd.)	202	0	14	70
	229	0	01	05
	230	0	69	15
	231	0	37	15
	232	0	33	30
	In Bet Sy.No.232 & 191	0	09	60
	In Sy. No.198&197	0	03	90
Mandal : Shameerpet	District : Rangareddy	State : Andhra Pradesh		
1. Shameerpet	84*	0	10	85
	100	0	01	70
	101	0	20	20
	102* (Government Land)	1	76	95
	105*	0	39	55
	1273* (Government Land)	4	65	50
	In Bet Sy.No.102&1273	0	09	20
	In Sy.No.101&102	0	04	10

* Survey Nos. notified vide S.O. 1756 dated 16-06-2003 u/s 3(1) of P&MP Act 1962. Present proposal is for additional extents.

[F.No.L-14014/23/2003-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 6 जनवरी, 2006

का. आ. 44.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि प्राकृतिक गैस के परिवहन के लिए जामनगर - भोपाल और काकिनाडा - हैदराबाद - गोवा पाइपलाइन को आपस में जोड़ने के लिए गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन विछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन विछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन विछाई जाने का प्रस्ताव है और जो इस अधिमूचना में उपावद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवन्ध है उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिमूचना की प्रतियां साधारण जनता को उपलब्ध कर दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन विछाई जाने के लिए उसमें उपयोग के अधिकार का अर्जन के सम्बन्ध में श्री. ए. के. गंधवी, मक्षम प्राधिकारी, गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड पाइपलाइन परियोजना, आनंद महल अपार्टमेंट, भुल्का भवन भाला के सामने, आनंद महल रोड, मूरत - 395009, गुजरात राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील & उमरगाव	जिल्ला & वलसाड	राज्य & गुजरात		
गांव का नाम	सर्वे नंबर / ब्लॉक नं	आर ओ यु अर्जित करने के लिये क्षेत्रफल		
		हेक्टर	आरे	घो.मी
1	2	3	4	5
1. झरोली	223*	00	45	59
	198	00	02	50
	161*	00	46	99
	नदी*	00	25	88
	154*	00	04	93
	155*	00	48	73
	168*	00	46	79
	199	00	60	31
	279/पि1	00	02	92
	197	00	13	12
	171	01	57	25
	170	00	00	25
	325/क	00	00	67
	160	00	33	43
	169	00	01	35
	152	00	03	45
	234*	00	53	74
2. बोरोलाड	नाला	00	10	34
3. अक्कारी	75*	00	13	28
	76*	00	53	69
	31	00	72	53
	32	00	16	28
	रास्ता*	00	09	41
	33	00	59	29
	नाला	00	06	10
	35	01	40	13
	नदी*	00	53	53
तहसील & पारडी	जिल्ला & वलसाड	राज्य & गुजरात		
1. डुंगरा	नदी*	00	44	78
	112	00	23	68
	113	00	16	08
	114	00	23	82
	116*	00	09	62
	129/18+19+20+21+22+24+25+30+31+32 +33+34	00	21	63
	122	00	19	63
	121*	00	39	82
	126	00	30	86
	149*	00	71	35
	सरकारी जमीन	00	01	88
	151*	00	04	30
	154	00	09	24
	298*	00	41	71
	307	00	19	31
	308	00	10	32
	कॉर्नेल	00	08	43
	416*	00	24	74

	2	3	4	5
	नाला	00	03	81
	441*	00	25	68
	251	00	45	92
	कनल	00	04	25
	कनल	00	05	77
	कनल	00	04	63
	248*	00	66	63
	191*	00	07	76
	249	00	21	41
	251	00	05	16
	244	00	65	87
	225	00	04	22
	227	00	32	29
	228	00	03	73
	258	00	16	95
	215	00	15	88
	234	00	36	28
	214	00	16	75
	213	00	03	85
	212	00	14	94
	कच्चा गन्ना	00	09	37
	236	00	02	16
	206	00	31	26
	192	00	41	27
	193	00	00	15
	गन्ना	00	17	71
	445*	00	10	32
	817*	00	20	33
	818*	00	14	73
	819*	00	10	16
	841	00	02	12
	842	00	13	94
	844	00	24	02
	गन्ना	00	01	07
	नाला*	00	10	68
	515*	00	54	99
	517	00	08	35
	518	00	10	55
	519	00	19	68
	523*	00	10	98
	524	00	01	19
	470*	00	23	78
	465	00	00	14
	466	00	04	56
	467	00	15	55
	468	00	22	44
	460	00	14	18
6. रजिस्ट्रार	104*	00	06	32
7. रजिस्ट्रार	507*	00	17	87
	43*	00	00	80

1	2	3	4	5
निरंतर...सोनवाडा	121*	00	09	52
8. सुखेश	कनैल*	00	03	77
9. परवासा	319/1/पि2	00	11	86
	319/1/पि1	00	03	29
	335*	00	34	81
तहसील : वनसाड	जिल्ला : वनसाड	राज्य : गुजरात		
1. गाडरीया	1290*	00	03	12
	1284*	00	23	41
	1285*	00	16	24
	1280*	00	15	63
	1277*	00	13	69
	1279*	00	24	35
	1093*	00	13	42
	1094*	00	43	94
	1097	00	21	04
	गला*	00	06	30
	1105	00	19	33
	1101	00	40	48
	1103	00	42	56
	1102	00	05	99
	1073	00	13	87
	1068	00	17	26
	1067	00	04	33
	1066	00	00	35
	1062	00	24	07
	1040	00	00	34
	1069	00	18	05
	1039	00	00	26
	1038	00	05	00
	1037	00	15	77
	1036	00	58	53
	कच्चा रास्ता	00	04	42
	1025	00	06	12
	कनैल*	00	16	82
	1016/अ	00	83	87
	वाकी नदी	00	32	78
2. कांजनहारी	वाकी नदी*	00	21	43
	162*	00	31	55
	146*	00	02	21
	160	00	01	99
	147*	00	22	03
	161*	00	34	27
3. घनोरी	1337	00	24	03
	1340	00	37	53
	1341	00	00	29
	1336	00	34	16
	1339	00	02	65
	कच्चा रास्ता	00	02	05
4. वाघलघरा	128*	00	16	37
	गटर*	00	03	14
	डामर रास्ता*	00	04	43
	404*	00	14	60
	390	00	13	04
	403	00	08	13
	4			निरंतर...5

1	2	3	4	5
निरंतर...वाधलधरा	391 और 404 के दू	00	00	83
	402	00	06	51
	408	00	03	70
	407	00	08	91
	378*	00	10	39
	428*	00	23	23
	कच्चा रास्ता*	00	06	64
	377*	00	06	21
	376*	00	07	42
	375*	00	04	08
	762*	00	11	45
	667*	00	12	42

* का. आ. 3033, दिनांक : 16.11.2004 द्वारा पी. एस.पी. ऐक्ट, 1962 की धारा 3 की उपधारा (1) के अन्तर्गत सूचित किये गये सर्वे नंबर । इस प्रतिपादन नया विस्तीर्ण केलिए ।

[फा. सं. एल-14014/34/2005-जी.पी.]

एस. बी. मंडल, अवर सचिव

New Delhi, the 6th January, 2006

S. O. 44.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through an interconnection between Jamnagar - Bhopal and Kakinada - Hyderabad - Goa pipeline, a pipeline should be laid by Gas Transportation and Infrastructure Company Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification as published in the Gazette of India under sub-section (1) of section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri.A.K.Sanghavi, Competent Authority, Gas Transportation and Infrastructure Company Limited Pipeline Project, Anand Mahal Apartment, Opposite to Bhulka Bhavan School, Anand Mahal Road, Surat – 395009, Gujarat.

SCHEDULE

Tehsil : Umargam		District : Valsad		State : Gujarat	
Name of the Village	Survey No./Block No.	Area to be Acquired for ROU			
		Hectare	Are	Sq.m	
1	2	3	4	5	
1. Zaroli	223*	00	45	59	
	198	00	02	50	
	161*	00	46	99	
	River*	00	25	88	
	154*	00	04	93	
	155*	00	48	73	
	168*	00	46	79	
	199	00	60	31	
	275*	00	02	92	
	197	00	13	12	
	171	01	57	25	
	170	00	00	25	
	325/C	00	00	67	
	160	00	33	43	
	169	00	01	35	
	152	00	03	45	
	234*	00	53	74	
2. Borlai	Nala	00	10	34	
3. Achchhari	75*	00	13	28	
	76*	00	53	69	
	31	00	72	53	
	32	00	16	28	
	Road*	00	09	41	
	33	00	59	29	
	Nala	00	06	10	
	35	01	40	13	
	River*	00	53	53	
Tehsil : Pardi		District : Valsad		State : Gujarat	
1. Dungara	River*	00	44	78	
	112	00	23	68	
	113	00	16	08	
	114	00	23	82	
	116*	00	09	62	
	129/18+19+20+21+22+24+25+30+31 +32+33+34	00	21	63	
	122	00	19	63	
	121*	00	39	82	
	126	00	30	86	
	149*	00	71	35	
	Government Land	00	01	88	
	151*	00	04	30	
	154	00	09	24	
	298*	00	41	71	
	307	00	19	31	
	308	00	10	32	
	Canal	00	08	43	
	416*	00	24	74	

1	2	3	4	5
2. Karvad	Nala	00	03	81
	441*	00	25	68
3. Pandor	251	00	45	92
	Canal	00	04	25
	Canal	00	05	77
	Canal	00	04	63
	248*	00	66	63
	191*	00	07	76
	249	00	21	41
	251	00	05	16
	244	00	65	87
	225	00	04	22
	227	00	32	29
	228	00	03	73
	258	00	16	95
	215	00	15	88
	234	00	36	28
	214	00	16	75
	213	00	03	85
	212	00	14	94
	Cart Track	00	09	37
	236	00	02	16
	206	00	31	26
	192	00	41	27
	193	00	00	15
	Road	00	17	71
4. Ambach	445*	00	10	32
	817*	00	20	33
	818*	00	14	73
	819*	00	10	16
	841	00	02	12
	842	00	13	94
	844	00	24	02
	Road	00	01	07
	Nala*	00	10	68
5. Dumlav	515*	00	54	99
	517	00	08	35
	518	00	10	55
	519	00	19	68
	523*	00	10	98
	524	00	01	19
	470*	00	23	78
	465	00	00	14
	466	00	04	56
	467*	00	15	55
	468*	00	22	44
	460*	00	14	18

1	2	3	4	5
6. Rohina	104*	00	06	32
7. Sonwada	507*	00	17	87
	43*	00	00	80
	121*	00	09	52
8. Sukhesh	Canal*	00	03	77
9. Parwasa	319/1/P2	00	11	86
	319/1/P1	00	03	29
	335*	00	34	81
Tehsil : Valsad	District : Valsad	State : Gujarat		
1. Gadaniya	1290*	00	03	12
	1284*	00	23	41
	1285*	00	16	24
	1280*	00	15	63
	1277*	00	13	69
	1279*	00	24	35
	1093*	00	13	42
	1094*	00	43	94
	1097	00	21	04
	Nala*	00	06	30
	1105	00	19	33
	1101	00	40	48
	1103	00	42	56
	1102	00	05	99
	1073	00	13	87
	1068	00	17	26
	1067	00	04	33
	1066	00	00	35
	1062	00	24	07
	1040	00	00	34
	1069	00	18	05
	1039	00	00	26
	1038	00	05	00
	1037	00	15	77
	1036	00	58	53
	Cart Track	00	04	42
	1025	00	06	12
	Canal*	00	16	82
	1016/A	00	83	87
	Wanki Nadi	00	32	78
2. Kanjanhari	Wanki Nadi*	00	21	43
	162*	00	31	55
	146*	00	02	21
	160	00	01	99
	147*	00	22	03
	161*	00	34	27
3. Dhanori	1337	00	24	03
	1340	00	37	53
	1341	00	00	29
	1338	00	34	16
	1339	00	02	65

1	2	3	4	5
Contd.....Dhanori	Cart Track	00	02	05
4. Vaghaldhara	128*	00	16	37
	Drain*	00	03	14
	Asphalted Road *	00	04	43
	404*	00	14	60
	390	00	13	04
	403	00	08	13
	Between 391& 404	00	00	83
	402	00	06	51
	408	00	03	70
	407	00	08	91
	378*	00	10	39
	428*	00	23	23
	Cart Track*	00	06	64
	377*	00	06	21
	376*	00	07	42
	375*	00	04	08
	762*	00	11	45
	667*	00	12	42

* Survey Nos. notified vide S.O 3033 dated 16.11.2004 u/s 3(1) of P&MP Act 1962. Present proposal is for additional extents.

[F. No. L-14014/34/2005-G.P.]
S. B. MANDAL, Under Secy.

नई दिल्ली, 6 जनवरी, 2006

का. आ. 45.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मेसर्स गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड की संवर्धक कम्पनी मेसर्स रिलाएंस इंडस्ट्रीज लिमिटेड के गोवा के उत्तरी/दक्षिणी अपतट के खोज ब्लॉकों और आन्ध्रप्रदेश राज्य की संरचनाओं से आन्ध्रप्रदेश राज्य के पश्चिमी गोदावरी और कृष्णा जिले के विभिन्न उपभेक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मेसर्स गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन विछाई जानी चाहिये ;

और केन्द्रीय सरकार को उक्त पाइपलाइन विछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर पाइपलाइन विछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन(भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवध है, उस तारीख से जिससे उक्त अधिनियम की धारा (3) की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन विछाए जाने के लिए उपयोग के अधिकार के अर्जन के लिए श्री. पी. वुच्चारेडडी, सक्षम प्राधिकारी, मेसर्स गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड पाइपलाइन परियोजना, 20-6-5, श्री सूर्याना पब्लिसिनेमा रोड, काकिनाडा, ईस्ट गोदावरी जिला, आन्ध्रप्रदेश राज्य - 533 001 को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूचि				
मंडल : नूजिविडु		जिल्हा : किष्णा		राज्य : आन्ध्रा प्रदेश
गंव का नाम	सर्वे सं / सब डिविजन सं	आर ओ यू अर्जित करने के लिए क्षेत्रफल		
		हेक्टर	एर	सि एर
1	2	3	4	5
1) पोलसानपल्लि	13/1ए1	0	23	00
मंडल : आगिरिपल्लि		जिल्हा : किष्णा		राज्य : आन्ध्रा प्रदेश
2) बोडडनपल्लि	181/3बि2	0	04	95

[फा. सं. एल-14014/15/2003-जी.पी.]

एस. बी. मंडल, अवर सचिव

New Delhi, the 6th January, 2006

S. O. 45.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from the exploration blocks in the Northern/Southern Offshore of Goa and Structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Gas Transportation and Infrastructure Company Limited to the various consumers of West Godavari and Krishna Districts in the State of Andhra Pradesh, a Pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

And whereas it appears to the Central Government that for the purpose of laying the said Pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962(50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri. P. Butcha Reddy, Competent Authority, Gas Transportation and Infrastructure Company Limited Pipeline Project, D. No: 20-6-5, Sri Surya Complex, Cinema Road, Kakinada-533 001, East Godavari Dist, Andhra Pradesh State.

Schedule				
Mandal : Nuzvid		District : Krishna		State : Andhra Pradesh
Village	Survey No./Sub-Division No.	Area to be acquired for ROU		
		Hectare	Are	C-Are
1	2	3	4	5
1) Polasanapalli	13/1A1	0	23	00
Mandal : Agiripalli		District : Krishna		State : Andhra Pradesh
2) Boddanapalli	181/3B2	0	04	95

[F. No. L-14014/15/2003-G.P.]

S. B. MANDAL, Under Secy,

श्रम मंत्रालय

नई दिल्ली, 7 दिसम्बर, 2005

का. आ. 46.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माईन्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पंचाट (संदर्भ संख्या 51/91 व 46/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-12-2005 को प्राप्त हुआ था।

[सं. एल-43012/8/91-आई.आर. (विविध)]

[सं. एल-43012/21/91-आई.आर. (विविध)]

बी.एम. डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 7th December, 2005

S.O. 46.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51/91 & 46/92) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of Bharat Gold Mines Ltd. and their workmen, which was received by the Central Government on 05-12-2005.

[No. L-43012/8/91-IR(M)]

[No. L-43012/21/91-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

Dated : 16th November, 2005

PRESENT :

SHRI A.R. SIDDIQUI,

Presiding Officer

C.R. NO. 51/1991

I PARTY :

Shri Babumani
Rep. by the Secretary,
Bharat Gold Mines Employees Union,
Oorgaum, Kolar Gold Fields,
Pin- 563120.

II PARTY :

The Managing Director,
Bharat Gold Mines Ltd.
Oorgaum,
Kolar Gold Fields,
Pin-563120.

COMMON AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10

of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-43012/8/91-IR(Misc) dated 29-7-91 for adjudication on the following schedule :

SCHEDULE

“Whether the management of Bharat Gold Mines Limited, Kolar Gold Fields is justified in dismissing Shri Babumani, a General Labourer P.E. No. 137795 of Champion Reef Mine from service w.e.f. 7-6-1990? If not, what relief the concerned workman is entitled to?”

C.R. No. 46/19

I PARTY :

Shri Jayaveloo
Rep. by the President,
Bharat Gold Mines Employees Union,
No. 545, Near Punjabi Line,
Oorgaum, Kolar Gold Fields,
Pin- 563120.

II PARTY :

The Managing Director,
Bharat Gold Mines Ltd.
Oorgaum,
Kolar Gold Fields,
Pin- 563120.

COMMON AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-43012/21/91-IR (Misc) dated 8th May 1992 for adjudication on the following schedule :

SCHEDULE

“Whether the management of Bharat Gold Mines Limited, Kolar Gold Fields is justified in dismissing Shri Jayaveloo, Trammig Maistry, P.E. No. 085431 of Champion Reefs. Mine from service w.e.f. 7-6-1990? If not, what relief he is entitled to?”

2. A joint enquiry was conducted against the above workmen alongwith two others on the allegation of committing theft of company's property. Necessary Show Cause Notices were issued to all the workmen and their explanations were received. The Management has not accepted the explanations and therefore an E.O. was appointed and the Domestic Enquiry was conducted against all the workmen.

3. The specific charge made against them was that on 29-7-1989 at 103 level, Osborne, Shaft at about 1.10 pm they were all sitting and pounding on the second turn table of GBQ pieces, they have been surrounded and caught by Fathesingh, Havildar No. 95, Jaikishan SD W.No. 420, Roshanlal SD.W. No. 187 and M.M. Murthy GD.W. No. 140, they have found GBQ powder approximately 5 kg on the turn table. They have also found one 3 kg Hammer, one round shaped gunny cloth for pounding the GBQ pieces and two torn cloth pieces.

4. All the workmen have denied the charges out right and they have also raised the plea that they have not been caught for having possessed these articles on their person and therefore a mere finding of these articles inside the mine does not lead to the conclusion that they have committed the offences punishable under Sec. 6 and 13 of the Karnataka Mining, Act, r/w Sec. 381 Indian Penal Code.

5. In the Domestic enquiry the second party examined many as many as 7 witnesses and they are cross examined. A chemical report also obtained to show that GBQ pieces contained gold valued about roughly Rs. 900. All the workmen have participated in the enquiry and the enquiry officer has conducted the enquiry in detail and submitted his report Ex. M12. The Second SCNs were issued and the concerned workmen have filed their detailed replied by exhaustively discussing the evidence, both direct and circumstantial. The Disciplinary Authority has not accepted their explanations and therefore, passed orders of dismissal. Appeal for mercy before the Managing Director came to be rejected and the order of dismissal were confirmed.

6. Since the workmen have questioned the validity of Domestic Enquiry the evidence was recorded on this point and my learned predecessor passed a common order on 8-8-97 holding that the Domestic Enquiry was conducted in accordance with the principles of natural justice.

7. By Common Award dated 4th March, 1999, my Learned Predecessor dismissed both the references and that came to be set aside by Hon'ble High Court vide order dated 22-2-2005 being assailed by both the first party workmen in W.P. Nos.29298-299/99. The Hon'ble High Court in their aforesaid order remitted back the matter for a limited purpose calling upon both the parties to address arguments, only, on the perversity issue and the unfair labour practice and victimization.

8. I have heard the learned counsels representing the parties and posted the case this day for award. At the very outset it is to be made clear that there was no arguments advanced on either side on the point of unfair labour practice and victimization. They have confined their arguments on the issue on perversity or otherwise of the enquiry findings holding the workmen guilty of the charges. Learned counsel for the first party argued that as per explanation at Ex. M15 and M16 submitted by the workmen as against the findings of the enquiry, they have high lighted the various legal and factual formalities crept in the findings of the enquiry officer so as to lead to the conclusion that they suffered from perversity and those explanations of the workmen have not all been considered by the Disciplinary Authority in upholding the findings of the Enquiry Officer and in passing the dismissal order against them. He argued that the ingredients of theft have not at all been satisfied in proving the charges of misconduct of theft against the workmen, in as much as, the alleged theft property in the case was not taken out of control and possession of the management nor they were found possession of said property at the place alleged nor they were found taking away the said property from out of the premises of the management company. He conducted that the evidence brought on record was not appreciated by the Enquiry Officer in its proper perspective applying his legal mind in as much as he very conveniently did not

consider the evidence of very prosecution witnesses lending support to the defence of the workmen but picked and chosen the statements of certain witnesses which could favour the management case on the vital points of controversy between the parties. He submitted that the Enquiry Officer though referred to the statement of workmen as well as their defence witnesses to disprove the charges of theft levelled against them but failed to take into consideration the above said evidence without any discussion and without any remarks passed as to why the defence evidence was not worth credence or worth reliable. As far as the management evidence is concerned, enquiry officer after having discussed evidence of one Mr. Jaikishan noted that it was corroborated by other management witnesses namely, Roshan Lal and Fatehsingh who were the members of the Detective Team. He ignored the statement of another member of the defective team namely, Mr. Murthy-GDW No. 140 in favour of the workman assigning in-valid and irrelevant reasonings and also failed to take into consideration the evidence of Foreman, Shri Burland who wrote the report of theft under the instructions of the said Fatehsingh, another member of Defective Team without assigning any reason at all. He also ignored the evidence of Govindswamy, mate examined before him as defence witness without any discussion in discarding the same. He submitted that the work allotted to the first party workmen at level 103 was very much completed by them alongwith 3 other workers and when they were ready to go to surface and waiting for a cage at the relevant point of time, they were forcibly detained by the Detective Team and there upon they were forcibly taken to their place of work at level 103 and there they were shown with certain incriminating articles including the theft property and they being hold responsible for theft were falsely involved and implicated with charge of theft without any strong or valid evidence connecting the workmen with the alleged theft of property. Learned counsel also took the court through the reasonings given by the Enquiry Officer as to how the burden of proof was wrongly shifted on the workmen on the point of theft of property and on the point that they were actually found indulging in theft activities. He also contended that the prosecution story that the workmen were found actually pounding GBQ alongwith one Segaran at 103 level was false and baseless not proved by sufficient, cogent and satisfactory evidence. He submitted that the points 1 to 7 raised by the Enquiry Officer while giving his findings have not been established by legal and independent evidence.

9. Whereas, learned counsel for the management supported the findings of the Enquiry Officer and his argument was that there was sufficient and legal evidence to prove the charges of misconduct against the workmen and that cogent and valid reasonings are assigned by the Enquiry Officer in relying upon the said evidence to come to the conclusion that the workmen were guilty of the charges of misconduct leveled against them. After having gone through the records I find substance in the arguments advanced for the first party workmen.

10. Learned enquiry officer raised seven points and after having discussed the evidence vide pages 13, 14, 15 and 16 of the Enquiry Report held the workman guilty of

the charges of misconduct along with said Segaran and Murthy, the other two employees of the management said to have been allotted work at 103 level and found committing theft at the relevant point of time.

11. As, could be seen from the aforesaid discussion made by the Enquiry Officer, he having referred to the statement of said Jaikishan, Watchman observed that it was corroborated by the evidence of other detective members of the team except said Mr. Murthy whose evidence was not reliable for the reasons given by him. The fact that the statements of Fathe Singh and Roshan Lal are just the replica of the statement of said Jaikishan is not to be disputed. The moot question now to be considered is whether evidence of these members of the detective team could have been relied upon by the enquiry officer discarding the evidence of said Murthy, another member of the detective team and the evidence of the other prosecution witness namely said Barland, the Foreman and the defence evidence which in fact went unchallenged and uncontroverted there being no cross examination to the workmen or their witnesses. Said Jaikishan, Fathe Singh and Roshan Lal have deposed to the fact at about 1 PM that proceeded towards 103 level and at about 1.10 PM they found above said 4 employees including the first party workmen engaged in pounding GBQ and after having sighted them, they started pushing the bandy and Jaikishan who first saw the workmen shouted for help of other detectives and all of them were able to catch hold of the workmen as well as said Mr. Murthy but Segaran managed to escape from the scene. The rest of his statement is with regard to the finding of incriminating articles at the said level and drawing the report of theft with the help of said Foreman and then checking the property on surface to draw a Mahazar and then taking further action in the matter. Therefore the crux of the story and the aforesaid points raised by the enquiry officer to fasten with the charge of misconduct of theft upon the workmen and others was that they were found pounding GBQ namely the theft property when the detective team appeared on the scene at level 103, the place the workmen were supposed to carry out their allotted work. If we scan through the statement of said Murthy, Watchman, one of the 4 members of the Detective Team, we can certainly find much substance in the arguments advanced by the first party that evidence of this witness in fact will support their defence when they say that after having completed their allotted work when they were ready to go to surface waiting for cage, they were apprehended by the detective team and thereafter taken to 103 level foisting a false case of theft against them. In order to appreciate the defence taken by the first party workmen let me first bring on record as to what above said prosecution witness Mr. Murthy, Watchman 140 is to say about the incident on hand. In his cross examination he stated that when he along with other detectives checked other levels which were empty, they found in one of the said empty level those alleged incriminating materials. He stated that he took 15 to 20 minutes to see the materials and collected the same and returned to 103 plat. He further stated that he found all the things namely basin with GBQ, Hammer and empty gunny bag in the south level at the

distance of nearly 50 ft. from each material as against the place of work of the workmen namely North Footwall Lods. He stated that then returned to the plat 103 level and found the workmen as well as the said Murthy standing near the cage after washing and they were ready to go to surface and it was at this point of time they (all the detectives) detained these three workers at the plat. When a question was put to the said witness in his cross examination as to when he saw the workmen and said Murthy and at that time what they were doing. He confirmed that he saw them after washing and getting ready to go into the cage at 103 plat. When was put a question referring to the statement of said Fathe Singh that he saw these workers at 103 level and not on the plat? He replied by saying that he saw the 3 workers standing on the plat. He further stated that he did not agree to the said statement of Mr. Fathe Singh as he actually saw the workmen and Murthy at the 103 plat. In his further cross examination when a question was put to him that as per the complaint to which he was one of the signatories, the workmen were found pounding indulging in theft activities at second turn table? The witness in very clear words replied that he has not seen the workmen and the other two indulging in illegal activities of stealing gold and catching them at second turn table. He also made it clear that he signed the above said complaint at the instance of the said Fathe Singh. Now a question arises as to how and why this piece of evidence rather the statement of Mr. Murthy one of the 4 detectives could have been discarded and disbelieved by the Enquiry Officer particularly when he was not declared hostile on behalf of the management. The reasonings given by the enquiry officer not to believe the said witness is very strange. In his view, his statement in cross examination cannot be believed for the reason that he had signed the complaint and himself collected the incriminating materials. Then he remarked that "he perhaps indifferently deposed in the enquiry taking advantage of the absence of other prosecution witnesses while he was deposing his evidence to favour the defence". As far as, signing of the complaint is concerned, the witness in very clear words as noted above, stated that he signed the complaint at the instance of Shri Fathe Singh. With regard to collecting of the materials he might have collected the materials and it is not the case of the prosecution that they were found in possession of the workmen. His reasoning that the witness might have taken undue advantage in the absence of other prosecution witnesses in deposing in favour of the workmen, in fact, is a double edged weapon cutting both the sides. Take it for granted that because of the absence of the other prosecution witnesses said Murthy was to give evidence in favour of the workmen then it can also be said that the other prosecution witnesses have supported the management case colluding and conniving with each other or under the influence of each other.

12. The evidence of Murthy could not have been discarded first of all for the reason that he was not declared hostile for the management and no motive as such was attributed to him by the management. Moreover, Murthy being in service of the management at the relevant point of time, could not have dared enough to speak against the

management if there was truth in the story. The evidence of other prosecution witness namely, Mr. Barland, Foreman who is said to have written the report of the theft was also not discussed by the enquiry officer, perhaps, his statement in cross examination also went against the management. In his evidence said witness stated that he got down at the 103 Plat at 1.30 PM. He found the workmen along with said Murthy waiting for the cage to come up to the surface. It has further come in the evidence of said witness that when the workmen questioned him as to why they were detained, they were told that they wanted to show some materials in level and that they have been detained on suspicion by the detectives. Witness, Govindswamy examined as defence witness by the workman has stated that he saw the workmen and Murthy getting ready to go the cage at about 1.30 PM and it is at that time time said Barland, Foreman came to 103 plat asking the workman to come inside 103 level. Evidence of this witness was also just ignored by the enquiry officer.

13. That apart as argued for the first party, the statement made by the workmen by way of defence and their witnesses supporting the defence taken by them that they after having completed the work allotted to them had come to 103 plat and they were taking rice water which fact was also supported by said Swamy working under the management has not been taken into account by the Enquiry Officer. He never discussed their evidence nor assigned any reasonings as to why the defence evidence is not worth credence or believable. It was bounden duty of the enquiry officer to discuss and give his reasonings why the defence evidence was not believable particularly, when there was no cross examination to the defence witnesses on the part of the management. The story put forth by Shri Jaikishan that when they reached 103 level after opening the second door, said Swamy was found the workman along with other workmen and Murthy and Segaran pounding the theft of property and that they caught hold of the workmen and Murthy and that Segaran managed to escape from the spot again cannot be accepted without a pinch of salt. If the detective team consisted of 4 persons and siad Barland and Swamy were at the spot it just cannot be believed that Segaran could have escaped from the spot not being caught by them. According to said Swamy and one Senappa, defence witnesses said to be one of the workers along with the workmen allotted work, at the time Segaran after having pushed forth bandy i.e. after closing his work suffered injury to his right foot and left the spot to seek first aid treatment. Similar was the version given by the workmen to the detectives. The fact that Segaran suffered injury and received first aid treatment, has been very much spoken to by the prosecution witnesses themselves. Witnesses, Mailamani, mate deposed that on 27-9-89 when he got down at 80th Plat he met Segaran and as per his request he gave first aid treatment for a wound at his right leg big toe putting some tincture and at that time it was about 1 PM. Witness, Chinnadorai has spoken to the fact siad to be the first aider Giffords Shaft in his deposition stated that on 29-7-89 at about 2 PM Segaran came to him for first aid he gave first aid treatment for the wound he suffered by dressing the injury which was highly oozing--the blood. Therefore, the prosecution story that

Segaran was found along with the workmen pounding GBQ and he escaped from the spot can never be believed. It is in the evidence of said Jaikishan, Fathesingh and Roshanlal that when he approached the second door of 103 level where Swamy was standing they saw Swamy giving signal by his cap lamp and they developed suspicion and then proceeded ahead hearing the pounding sound and finally caught the workmen and others. Swamy in his statement denied of having given any signal to the workmen, by his cap lamp. In fact said Murthy, Watchman in his statement in very clear words stated that no such signal was given by Swamy when they went near the second door of 103 level. Moreover, even if we believe the story that Swamy had given the signal, in that case the workman would not have continued the activities of pounding after having received the signal. Therefore, for this reason also one has to discard the prosecution evidence that the workmen were found pounding GBQ at second turn table at 103 level. The story put forth in their evidence that when they opened the second Door, Barland was found in front coming them and witness Jaikishan went inside from left side of the Bandy followed by the others to find the workmen in the act of pounding is again not established. Watchman, Murthy has given a version as against the evidence of other prosecution witnesses on the point. In his cross examination as noted above, he has stated that he has not seen the workmen and two others indulging in illegal activities of stealing Gold at second turn table and he also as noted above, has stated that all of them were at 103 Plat after washing and getting ready to go into cage from 103 Plat. Therefore, from the statement of said Murthy and Barland the prosecution witnesses themselves and from the defence evidences of said. Swamy and other witnesses also the employees of the management the defence taken by workmen gets established rather the charge of misconduct levelled against them by the management.

14. The reasonings given by the Enquiry Officer on page 14 that the workmen have not disputed the materials found and that they have not established that pounding etc. was done by others was rightly attacked by the first party workmen as it was none of their job to dispute with regard to the materials found and to prove that some others were indulged in pounding etc. first of all the incriminating materials were not at all produced before the enquiry officer nor they were produced before the court during the course of trial in court going on against the workmen and others on the complaint of theft in question. They are also not produced before this tribunal. It was well argued that the enquiry officer misled himself in asking the workmen to establish the fact of pounding etc. which fact was to be proved by the prosecution. Therefore, in the light of the above, I am of the considered view that the evidence brought on record during the course of enquiry was not discussed and appreciated in its proper perspective and that reasonings given by the enquiry officer with regard to the fact that points 1 to 7 have been established by the management on the basis of available records suffered from perversity and that charges of misconduct against the workmen are not established by legal and sufficient evidence. In the result findings of the enquiry officer which

suffered from perversity are liable to be interfered at the hands of this tribunal. That apart, another circumstance that goes in favour of the workmen is the fact that they having been charge sheeted for the alleged theft in question have been acquitted of the charge of theft by the competent court vide order dated 30-8-1993. The charge sheet in the said case was based on same set of facts and evidence and therefore, this important fact should not have been lost sight of the enquiry officer as well as the Disciplinary authority in holding the workmen guilty of the charges. Therefore, in the light of the above, findings of the Enquiry Officer are liable to be set aside as illegal and the resultant dismissal order passed against the workmen shall be quashed as illegal and void abinitio. Since the dismissal orders are illegal, the resultant corollary would be the reinstatement of the first party workmen into service to their original post with continuity of service.

15. Now coming to the relief of backwages, in order to deny the said relief it was incumbent on the part of the management to establish before this tribunal that the first party workmen have been gainfully employed after their dismissal from service. There was no evidence led on the point nor any plea was taken in their counter statement. At the same time it was also the duty of the workmen to have come forward with the plea and evidence as to whether they have been gainfully employed or not from the date of the dismissal till today so as to get the relief of back wages. Keeping in view the latches on either side on the aforesaid point and in view of the fact that the dispute is lingering for last 15 years, it appears to me that ends of justice will be met if the workmen get 50% of the back wages. Accordingly reference is allowed and following award is passed.

COMMON AWARD

The management is directed to reinstate the workmen in service with 50 percent of back wages from the date of dismissal till the date of reinstatement with continuity of service and other consequential benefits. A copy of the Award may be kept in CR No. 46/92.

(Dictated to PA transcribed by her corrected and signed by me on 16th November 2005)

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2005

का. आ. 47.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं एस. सी. गुप्ता के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 130/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-12-2005 को प्राप्त हुआ था।

[सं० एल- 29011/45/2002-आई.आर. (विविध)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 7th December, 2005

S.O. 47.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 130/2002 of the Cent. Govt. Indus. Tribunal -cum- Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of M/s S.C. Gupta, contractor and their workmen,

received by the Central Government on 07/12/2005.

[No. L-29011/45/2002-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present: Shri N.K.R. Mohapatra

Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 130/2002

Date of Passing Award - 17th November 2005

Between: The Management of M/s. S.C. Gupta,

Contractor, At./Po. 60, Ganesh Bazar

Jhansi, Uttar Pradesh 1st Party-

Management

AND

Their Workman, represented through the

Secretary, Rourkela Shramik Sangh,

At./Po. Purunapani, Sundargarh,

Orissa. 2nd Party -

Union

Appearances:

Representative of M/s. For the 1st

S.C. Gupta, Contractor Party- management

Shri R.P. Singh,

Working President, Rourkela

Shramik Sangh. For the 2nd

Party-Union

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29011/45/2002 {IR(M)}, dated 01-11-2002.:-

"Whether the demand of the Secretary, Rourkela Shramik Sangh, Rourkela for payment of additional rate of Rs. 3/- per day from 14-4-2000 over and above the minimum wages fixed by the Government of India as per the existing practice and previous agreement prevailing in the area by the Management of M/s. S.C. Gupta. Contractor. Purunapani & Limestone & Dolomite Quarry. Purunapani is justified? If not, what relief the workmen are entitled?

2. Admittedly the 1st Party-Management, M/s. Suresh Ch. Gupta had taken the contract of maintaining the railway tracks of Purunapani Lime Stone and dolomite Quarry of Raw Material Division of SAIL at Purunapani (Management No. 2) for the year 1996-97. After him another Contractor M/s. Nihal Kakani took the said contracts. During his tenure he entered with a tripartite settlement agreeing therein to pay Rs. 50 towards house rent. Rs. 25/- towards medical allowance and Rs. 3 as additional wages over and above the minimum wage of each of the workers engaged in the maintenance of the railway tracks for a period of one year from 11-11-1997. After the above contract of M/s. Nihal Kakani was terminated the 1st Party-Management, M/s. S.C. Gupta again took the contract on the basis of a work

order dated 14-3-2000 for a period of one year. For execution of his work he engaged some of the workers who were working under the previous contractor but except paying house rent of Rs. 50/- and medical allowance of Rs. 25/- per month he did not pay Rs. 3/- towards additional wages over and above the minimum wages fixed by the Central Government and hence the present reference.

3. In its counter it is alleged by the 1st Party-Management M/s. S.C. Gupta that since during his earlier contract for the year 1996-97 he used to pay to the workers house rent of Rs. 50 and medical allowance of Rs. 25/-. He used to extend the same benefits to the workers after taking the contractor from 14-3-2000. In other words he says that above extra benefits given to the workers were not in terms of the tripartite agreement which the Union had entered with the previous contractor M/s. Nihal Kakani and as such he is not obliged to give Rs. 3/- as additional wages in terms of the above settlement of which he was never a consenting party. It is further contended by the said 1st Party-Management of M/s. S.C. Gupta that the above settlement with the previous contractor being operative only for a period of one year from 11-11-1997 it had lost all its force by the time he took the contract in the year 2000 and as such the terms and conditions of that settlement can not be imposed on him the same being with the earlier contractor M/s. Nihar Kakani.

4. On the basis of above pleadings of both the parties the following issues were framed.

ISSUES

1. whether the reference is maintainable?
2. Whether the demand of the Secretary, Rourkela Shramik Sangh, Rourkela for payment of additional rate of Rs. 3 per day from 14-3-2000 over and above the minimum wages fixed by the Government of India as per the existing practice and previous agreement prevailing in the area by Management of M/s. S.C. Gupta, Contractor, Purunapani and Lime Stone Quarry, purunapani is Justified?
3. If not, what relief the workman is entitled to?

5. Be it noted here that neither party has adduced any oral evidence. Reliance being placed on the tripartite agreement dated 10-2-1998 with the earlier contractor, M/s. Nihal Kakani, both parties have simply advanced argument in support of their respective stands.

ISSUE NO. 1

6. Under this issue it was argued by the Management that by the time A.L.C.(C), Rourkela submitted his failure report on 28-3-2002 Shri Akhilesh Kumar Panday, the then Secretary of the Union at whose instance the dispute was raised was no more the Secretary and therefore the reference is bad. But such of the argument is of no consequence when the Union of which Shri Akhilesh Kumar was once the Secretary is still espousing the cause of its member. It was further argued by the Management that the reference is bad in law in as much as the same is barred by limitation but no material is placed before the Tribunal to substantiate the same.

7. Coming to its other stand the Management mainly argued that the settlement arrived at with the previous contractor can have no binding effect on him as he was

never a party to such settlement. The Principal Employer was no doubt a party to such settlement but that does not mean that the terms and conditions of such settlement would equally hold good in respect of all subsequent contractor and as such in the absence of any stipulation in its work order the 1st party-Management is not obliged to honour the alleged settlement with the previous contractor M/s. Nihal Kakani.

8. It is the settled law that an agreement or a settlement is only enforceable against person to such settlement and it will have no binding effect on the person who is a non-signatory to such contract. the minutes of the settlement arrived at with the previous contractor M/s. Nihal Kakani shows that the said contractor had agreed to pay extra wages of Rs. 3 per day per head over and above the minimum wages for a period of one year only from 11-11-1997 onwards expiring on 11-11-1998 where as the 1st Party-Management had taken the contract job from 14-3-2000. The work order given to the 1st party-Management also does not contain a stipulation that he should pay extra wages of Rs. 3 per head per day as per the agreement with the previous contractor M/s. Nihal Kakani. Therefore, in these circumstances as contended by the 1st Party-Management he is not obliged to pay extra wages of Rs. 3 per head per day to each of the workers engaged by him in discharge of his contractual obligations.

9. It is no doubt true that the 1st Party-Management after getting the work order in the year 2000 used to pay house rent and medical allowances to the workers, which they were getting from the previous contractor M/s. Nihal Kakani under the above, referred settlement. But this does not mean that on the basis of above settlement with the earlier contractor he had given such benefit. Had it been so he would not have refused to pay the extra wages of Rs. 3. The material on record shows that by the time the 1st Party-Management got the work order the settlement in question had already lost its force and therefore it can not be said that the benefit of house rent and medical allowance were paid by him in accordance with the said settlement. As it seems the said benefits have only been extended to the workers by the 1st Party-Management in exercise of its discretion only. Therefore, in these premises the 1st Party-Management can not be asked/burdened to pay Rs. 3 as extra wages per day to each of its workers in terms of the settlement arrived at by the Union with the previous contractor.

ISSUE NO. 3

10. In view of the findings given under Issue Nos. 1 and 2 this issue is answered accordingly holding that the workmen are not entitled to get any relief as claimed by their Union.

11. Accordingly the reference is answered in favour of the 1st Party-Management and against the Union.

N.K.R. MOHAPATRA, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2005

का. आ. 48.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुदरेमुख आयरन ओर कं. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बेंगलूर के पंचाट (संदर्भ संख्या 181/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-12-2005 को प्राप्त हुआ था।

[सं. एल- 26012/26/96-आई,आर.(विविध)]

बी.एम. डेविड, अवसर सचिव

New Delhi, the 7th December, 2005

S.O. 48.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.181/97) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kudremukh Iron Ore Co. Ltd. and their workman, which was received by the Central Government on 05-12-2005

[N. L-26012/26/96-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 21st, November, 2005

PRESENT:

SHRI A.R. SIDDIQUI, Presiding Officer

C.R. No. 181/97

I PARTY

Shri Rangappa Bhovi,
Nekkila,
Ashokanagar Post,
MANGALORE-575 006

II PARTY

The General Manager,
Kudremukh Iron Ore Company Ltd.
Panambur,
MANGALORE-575 010

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-26012/26/96-IR(M) dated 13th November 1996 for adjudication on the following Schedule:

SCHEDULE

“Whether the action of the management of Kudremukh Iron Ore Co. Ltd., in dismissing Shri Rangappa Bhovi from service with effect from 26-10-1995 is justified? If not, to what relief he is entitled?”

2. The Charge Sheet dated 04-12-1994 along with the Statement of imputations, was issued against the first party workman as under:—

Charge Sheet

The substance of imputations of misconduct as per clauses 34(13), 34(14), 34(20), 34(31), 34(38), 34(53), 34(55), 34(56) & 34(57) of the Certified Standing Orders of the company is set out in the enclosed statement of articles of charges at Annexure 'A'.

You are hereby directed to submit in writing through proper channel a statement of defence to the undersigned within 7 days from the date of receipt of this charge sheet.

You are informed that an enquiry will be held only in respect these articles of charge which are not admitted. You should therefore, specifically admit or deny each article of charge.

You are, further informed that in the event of your failure to submit a statement of defence within time specified in Para 2 above, it will be presumed that you have no defence to offer and the enquiry committee will hold the enquiry against you exparte.

Statement of Articles of Charge

On 5-6-1982 you gave a letter addressed to the Personnel Officer, Kudremukh, requesting for inclusion of your wife's name Smt. Kamala Rangappa Bhovi whom you married on 14-4-1982. You also submitted declaration form dated 4-6-1982 declaring that you are married and have only one wife living. Based on your application, the name of your wife was included in the personal records. Subsequently, you requested in May, 1984 for inclusion of you Son's name, Master Prakash, born on 21-11-1983. Accordingly, name of you son was included in your personal records. You also requested the company vide your letter dated 14-4-1989 to include your son's name Master Madhu, born on 25-1-1989. Accordingly, the name of your son was included in your personal record.

On 22-7-1994, you submitted an application addressed to the Manager(Personnel), Mangalore requesting him to cancel the name of your father, Shri Sanna Rangappa Bhovi, your son, Master Madhu and your wife, Smt. Kamala, on the ground that your father expired long back, your son expired 3 years back and your wife is living separately in her native respectively. In response to this, you were advised by Dy. Manager(Personnel) vide letter No. Para/M/01/2863/653 dated 15-9-1994 to indicate the exact date of death of your father and son and date from which your wife, Smt. Kamala is living separately. However, you did not respond to the same. It is noted from your personal records that your father is dependent on you.

During Investigation by the company, a Memorandum of Marriage Certificate (Form 1) was shown to you on 4-10-1994, wherein your attention was drawn to provision at S.No. 3 (e), which reads as "status of bridegroom at the time of marriage" and printed answer columns reads as "Unmarried/Widow/Divorced". You had answered as "Unmarried", scoring off "widow/divorced". It is also seen that you had indicated your full name as Rangappa, under column 3, though your name is "Rangappa Bhatti". It is clear from the above that you suppressed certain information and get married to Smt. Jalajakshi(Ratna) on 19-8-1994 at Suryanarayana Temple, Mangalore. Your marriage with Smt. Jalajakshi(Ratna) was entered in the register of marriage maintained under the Hindu Marriage Act, 1955 by the Registrar of Marriage/Marriage Officer, Mangalore on 2-9-1994. It is clear from the above, that you gave false statement about your marital status and name for purposes of marrying another woman.

On 26-8-1994 your wife Smt. Kamala Bovi, submitted an application to the Company stating that on 22-8-1994 you brought one workman, by name Ratna, to your house and on enquiry by your wife, Smt. Kamala, you told her that you got married to her(Ratna) and, therefore, she (Kamala) should go out of the house. In spite of repeated requests made by your wife, Smt. Kamala, you did not heed and forced her to go out of the house. You also informed that you will pay money she requires.

On 20-9-1994, you submitted an application addressed to the General Manager, KIOCL, Mangalore, intimating that you divorced your wife, Smt. Kamala, vide MC No. 25/92 dated 20-11-1992 passed by the Principal Civil Judge, Mangalore and got registered marriage with Smt. Ratna, daughter of Late Thimmappa on 19-8-1994. You indicated that the above information has already been informed to Manager (Personnel). Since no intimation was received by the Personnel Department as stated by you, the same was informed to you vide letter No. Para/M/01/I/2863/691 dated 28-9-1994. You also brought out other irrelevant points in the above said application.

During interrogation by Vigilance Department on 4-10-1994, you stated that your wife, Smt. Kamala, is living separately since December 1990 onwards and she never stayed with you any time after December 1990. You also stated that except oral information to Shri J. Azad, Manager (Personnel), you did not inform the Company in writing about divorce of your wife, Smt. Kamala, even though divorce took place on 20-11-1992.

You drew LTC advances from the Block years 1990-91 and 1992-93 vide your LTC applications

dated 19-12-1990 and 26-12-1991 respectively for self, wife and your son Master Prakash. Based on your certificate dated 06-02-1991 and 06-02-1992 for having performed journey as indicated in LTC applications the amounts drawn by you stood adjusted. Copies of LTC applications dated 19-12-1990, 26-12-91 certificates dated 06-02-1991, 06-02-1992 and payment voucher Nos. 1993 dated 27-12-1990 and 1988 dated 3-1-1992 are enclosed.

You also availed Medical treatment for your wife, Smt. Kamala, from company's Health Centre, Mangalore from December 1990 onwards till 1-10-1994 though you stated during interrogation by Vigilance Department that, your wife Smt. Kamala never stayed with you from December 1990 onwards. An amount of Rs. 697.40 has been incurred by the Company towards treatment provided to your wife, Smt. Kamala. Apart from the above, you also availed treatment for her from Kottakkal Arya Vaidya Sala, Mangalore amounting to Rs. 165.34. Copies of the medical claim Form (Form-A) dated 8-7-1992 claiming the above amount along with prescription dated 25-6-1992, bill dated 20-06-1992 and Receipt dated 25-6-1992 are enclosed. It is seen that you had purchased Medicines on 20-06-1992 and got the same regularized on 25-6-1992 by obtaining prescription and receipt. You also availed treatment for her in other hospitals at Mangalore and outside your headquarters amounting to Rs. 161.42. Copies of the medical claim Form (FormA) dated 26-05-1993, 20-12-1993 along with prescriptions, receipts your application dated 20-12-1993 and note dated 28-12-1993 where in your claim was processed for approval are enclosed. The expenditure incurred by you towards treatment for your wife from Kottakkal Arya Vaidya Sala and other Hospitals were allowed as per rules based on applications as stated above made by you to the company enclosing therein necessary prescriptions, bills/receipts etc.

It is clear from the above that you did not inform the company though your wife, Smt. Kamala started living separately from you since December 1990 onwards as stated by you during interrogation on 4-10-1994 by the Vigilance Department, but continued to avail medical facilities and LTC facilities for which company has incurred an amount of Rs.3376.16 (LTC Rs. 2352+Medical Rs. 1024.16). Even you did not intimate to the company about divorce which was allowed on 20-11-1992 vide MC No.25/92 by the Principal Civil Judge, Mangalore. Only on 22-07-1994 you informed Manager (Personnel) to cancel the name of your wife, Smt. Kamala on the grounds that she is living separately without disclosing that you divorced her. This clearly show that you had an ulterior motive and thereby

cheated the Company by making false statements and claimed inadmissible benefits amounting to Rs. 3376.16 towards medical treatment and Leave Travel Concession.

Your attention is drawn to your application for LTC for the block years 1990-91, 1992-93, your medical reimbursement claims dated 8-7-1992, 26-5-1993 and 20-12-1993 wherein you certified that LTC Claim is for self and family members who are wholly dependent on you and living with you at Mangalore and medical claims are for your wife Smt. Kamala fully dependent upon you and residing with you. However, it is seen from your letter dated 22-7-1994 your statement before the Investigating Officer on 4-10-1994 and from the order No. MC No. 25/92 passed by the Principal Civil Judge, Mangalore on 20-11-1992, that your wife, Smt. Kamala was not staying with you since December 1990. Thus, you claimed Leave Travel Concession and Medical facilities falsely in your wife's name i.e. Kamala and derived undue benefit from the Company.

The above act of yours constitute misconduct as per clauses 34(13), 34(14), 34(20), 34(31), 34(38), 34(55), 34(56) and 34(57) of the Certified Standing Orders of the Company.

3. The workman submitted his explanation dated 11-12-1994 in response to the said charge sheet and the Disciplinary Authority after having gone through the same, found it unsatisfactory and therefore, ordered a Domestic Enquiry into the aforesaid charges by constituting enquiry committee and the enquiry committee after having informed the date of sitting of the enquiry, commenced the same on 24-1-1995 and concluded it on 9-5-1995 holding five different sittings. The workman was given an opportunity to defend his case with the help of a co-worker but he had chosen to defend his case by himself without taking the assistance of anybody.

4. During the course of enquiry, in all four witnesses were examined by the management as PW1 to PW4 and documents at Ex.1 to 34 were marked. The workman submitted 16 documents in defence of his case. On the conclusion of the enquiry following six points were raised by the enquiry committee.

1. When did Shri Rangappa Bhovi divorce his wife?
2. When did he contract second marriage with Smt. Jalajakshi?
3. When did he inform the company about Sl. No. 1 and 2?
4. Whether Shri Rangappa Bhovi claimed LTC for the block years 1990-91, 1992-93 in respect of Smt. Kamala after the divorce or otherwise?
5. Whether Shri Rangappa Bhovi availed medical treatment for his wife, Smt. Kamala from company's Health Centre, Kavour and Kottakal Aryavaidya Sala till 1-10-1994 even

after divorcing Smt. Kamala and whether the delinquent claimed reimbursement from the company?

6. Whether Shri Rangappa Bhovi is guilty of the charges levelled against him or not?

5. After discussing the aforesaid oral evidence and the documents pressed into service by the management, the defence taken by the workman and the documents relied upon by him, the enquiry committee answered the above said points in favour of the management and against the workman assigning the reasonings found on page 11 to 14 are as under :—

Conclusion

The Committee, after going into the details of the case thoroughly based on the deposition made by the prosecution witnesses, documentary evidence produced by the Presenting Officer and delinquent and taking into account the statement made by the delinquent has come to the following conclusion on the six issues raised at page 5 above to decide whether Shri Rangappa Bhovi is guilty of the charges or not.

Issue 1 : From the analysis of the evidence deposed by PW3, Shri Rangappa Bhovi is living separate from December 1990 onwards. It is evident from the Exhibit 25 that Smt. Kamala Bhovi and Rangappa Bhovi marriage has been officially dissolved by the decree made by the Court w.e.f. 20-11-1992. This decree has been made by the Court on the basis of the evidence given by Smt. Kamala Bhovi and Rangappa Bhovi to the Court that they are living separately from January 1991 onwards. It is also clear that Shri Rangappa Bhovi has not informed the company about his divorce of Smt. Kamala Bhovi for almost one and half years viz. till 22-7-1994.

The delinquent has divorced Smt. Kamala Bhovi on 20-11-1992 which he informed the company vide his letter dated 22-7-1994 which was corroborated by PW1 during his deposition before the committee, when the delinquent was asked to clarify by Deputy Manager (Personnel) vide letter No. Pers/M/01/1/2863/653 dated 15-9-1994 (delinquent Ex. 14) to indicate the exact dates of death of his father and son and date from which his wife Smt. Kamala Bhovi is living separately, he has not replied at all for the clarification sought by Dy. Manager (Personnel), Managalore. It is amply clear that the Delinquent has suppressed the information by not informing the company in time with ulterior motive to derive undue benefit from the company.

Issue 2 : Shri Rangappa Bhovi as per Exhibit 26 has married Smt. Jalajakshi on 19-8-94. This fact was also confirmed by PW4 in his deposition before the committee as he has recorded the statement of Shri Rangappa Bhovi during his interrogation.

The delinquent has also in Exhibit 26 (Prosecution Side) indicated as unmarried for Sl. No. 3(e) which reads as "unmarried/widow/divorced" and has deliberately cut out the words widower/divorced to suppress the material fact and has indicated his full name as "Rangappa" under column 3 though his name is "Rangappa Bhovi" suppressing the information to the Govt. authorities for the purpose of

marriage with Jalajakshi which indicated his mala fide intention.

Issue 3 : PW1 in his deposition has stated that Shri Rangappa Bhovi has never intimated him orally about his divorce with Smt. Kamala except letter dated 22-7-1994 addressed to Manager (Pers) which was received in his office on 24-8-1994. There is no documentary evidence/witnesses from the delinquent side to prove that he has informed orally to Manager (Pers)/Mangalore regarding his divorce with Smt. Kamala. As per Ex-26 the marriage of Shri Rangappa Bhovi has taken place on 19-8-94. The committee noted that Shri Rangappa Bhovi has intimated the company of his divorcing Smt. Kamala Bhovi and marrying of Smt. Jalajakshi only on 20-9-94 and not prior to that as said by him in his statement. As per Standing Orders Clause No. 33 (j) "No workman who has a wife living shall contract another marriage without first obtaining the permission of the company". Hence the justification given by the delinquent that he informed PW1 orally does not hold any water.

Issue 4 : Exhibits 2,4,6 submitted by the Presenting Officer confirms that Shri Rangappa Bhovi claimed All India LTC for the block year 1990-91. Exhibits 3,5 and 7 confirms that Shri Rangappa has availed All India LTC for the block year 1992-93 in respect of Smt. Kamala Bhovi. The delinquent in his statement has tried to defend his action claiming LTC for the divorced wife that he has done as per the practice and permissive procedure in the Company.

The LTC claimed by the delinquent on 19-12-1990 for Smt. Kamala Bhovi for the Block Year 1990-91 is not a false claim as the divorce has taken place only on 20-11-1992 till then, Smt. Kamala Bhovi and Shri Rangappa Bhovi were husband and wife and were staying together. Moreover, PW3 during examination by the Presenting Officer has confirmed that the delinquent has continued to provide LTC and Medical facilities.

With regard to LTC claimed for the block year 1992-93 vide application dated 26-12-1991 by the delinquent employee, it is noted that although the divorce has been allowed by the court from 20-11-1992, the delinquent employee has failed to inform the company till 20-9-94 nor made any efforts to repay the LTC amount drawn by him on 3-1-92 vide exhibit-7 knowingly that he and Smt. Kamala Bhovi are living separately from December 1990 onwards and has thus derived undue benefit from the company.

Issue 5 : PW2 in his deposition has confirmed that Smt. Kamala has availed medical treatment from the KIOCL Health Centre, Mangalore from January 1991 onwards till 1-10-1994. Smt. Kamala (PW3) in her deposition before the committee confirmed that Shri Rangappa Bhovi has been providing her medical facilities from December 1990 onwards and also brought out that Shri Rangappa Bhovi took her to Shimoga for further medical treatment on 28-10-1993 and 8-11-1993. Exhibits 8,9,11,12,13,14,15 and 29 confirms that Shri Rangappa Bhovi has availed medical facility for Smt. Kamala during the various periods spreading over from December 1990 till 1-10-1994 as he has preferred medical reimbursement from the Company.

In respect of Medical Treatment availed by Smt.

Kamala Bhovi the delinquent has shirked his responsibility by stating that he does not have any knowledge of the treatment availed by Smt. Kamala at the Company Health Centre, Mangalore. If it is assumed that Smt. Kamala would have taken the card from the hospital without the knowledge of Shri Rangappa Bhovi, the same would not have happened had Shri Rangappa Bhovi intimated the company about his divorce in time. To that extent he is responsible. Moreover, dishonest intention of Shri Rangappa Bhovi is clearly established as he has claimed reimbursement in respect of medical bills for his divorced wife Smt. Kamala Bhovi during that period. The Committee is of the firm view that the delinquent cannot shirk the responsibility that he is not aware of the treatment availed by him from Dec. 1990 onwards as he has not informed the company till 20-9-94 that he has divorced Smt. Kamala Bhovi and that she is no more dependent on him, inspite of being fully aware that he and Smt. Kamala are living separately from December 1990 onwards. With regard to the claim of Rs. 151.91 made by Shri Rangappa Bhovi on 20-12-98 (i.e. after divorcing Smt. Kamala on 20-11-1992) the delinquent has accepted in his statement before the committee that he would repay the amount he has claimed in respect of Smt. Kamala for the medical treatment availed at Shimoga.

PW3 in her deposition before the Committee has also corroborated that the delinquent continues to provide medical treatment to her from Dec. 1990 onwards and after the divorce also. Hence the Committee is of the conclusion that Shri Rangappa Bhovi's claim of innocence that he is not aware of the treatment availed by Smt. Kamala is not maintainable.

Issue 6 : The above five issues indicate that Shri Rangappa Bhovi suppressed the information of his divorce with Smt. Kamala and did not inform this fact to the company for almost one and half years. He has communicated his divorce with Smt. Kamala to company only on 20-9-94. By suppressing the information to the company he has claimed LTC facility for the block year 1992-93 and medical facilities falsely in respect of Smt. Kamala and derived undue benefits from the company.

6. The Disciplinary Authority after having accepted the findings of the enquiry and not accepting the explanation offered by the workman in challenging those finding passed an order dated 26-8-1995 proposing the major punishment of dismissal. He was given an opportunity of hearing and the Disciplinary Authority not being convinced with the explanation offered by him, at last, proceeded to confirm the order of punishment as proposed and workman was dismissed from service by impugned punishment order dated 25-10-1995. Thereupon the workman raised the industrial dispute and the conciliation proceedings having been failed resulting into a failure report by the officer concerned, the present reference has been made to this tribunal for disposal of the dispute in accordance with law.

7. The workman in his Claim Statement, before this tribunal challenged the enquiry proceedings raising various contentions (not to be brought on record as finding on the validity or otherwise of the enquiry proceedings has been

given by separate orders). As far as the merit of the case, the workman has not disputed the fact of availment of LTC advances for the Block periods 1990-91 and 1992-93 *vide* his applications dated 19-12-1990 and 16-12-1991 respectively for himself, wife (Smt. Kamala) and his son, Master Prakash. He also did not dispute the fact that based on his certificates dated 06-02-1991 and 06-02-1992 for having performed journeys. The amounts drawn by him were stood adjusted. He did not dispute the fact that he availed medical treatment reimbursement benefit for his wife (Kamala) from Company's Health Centre, Mangalore from December 1990 onwards till 01-10-1994. It is again not in dispute that towards the LTC facilities he availed the benefit of Rs. 2352 and towards medical treatment reimbursement he got the benefit of Rs. 1024.16. He also did not dispute the fact that the marriage between him and his wife, Smt. Kamala got dissolved by the decree dated 20-11-92 passed in MC No. 25/92 by the Principal Civil Judge, Mangalore. He also did not dispute the fact that the memorandum of marriage certificate (Form-1) was submitted by him showing himself to be unmarried and had shown his full name as Rangappa as against his full name as Rangappa Bhovi when he contracted second Marriage with Smt. Jalajakshi (Ratna) on 19-8-94. He also did not dispute the fact that during the course of investigation by the vigilance department he made the statement on 4-10-94 to the effect that he was living separately from his wife, Smt. Kamala from December 1990 onwards that he never stayed with her at any time after December 1990. It is also not in dispute that the workman did not inform the management of his divorce from his wife, Smt. Kamala taken place by virtue of the said decree either orally or in writing till he filed an application dated 22-07-1994 addressed to the Manager (Personnel) Mangalore. What the workman disputed by raising the various contentions in his Claim Statement is that he never availed the benefit of LTC facilities and the Medical Treatment Facilities for his wife, Smt. Kamala after his marriage with Kamala came to be dissolved by the above said decree dated 20-11-1992. His contention was that he availed the LTC facilities for the block years 1990-91 and 1992-93 for himself, his wife (Kamala) and his son, Prakash during the period his marriage with Kamala was subsisting and not after the above said decree by virtue of which his marriage with Kamala was dissolved. His next contention was that he did not avail the medical treatment facility and did not avail the benefit of reimbursement of the said facility subsequent to the above said decree and if at all Smt. Kamala availed the medical facility subsequent to the dissolution of the marriage without his knowledge, he cannot be held responsible for the same. Even otherwise, he was ready to pay amount drawn by him towards the medical treatment facility availed by his wife subsequent to the dissolution of the marriage but he was not allowed to do so. With regard to the furnishing of the abovesaid memorandum of marriage certificate (Form-1) his contention was that if he had suppressed the fact of his earlier marriage with Smt. Kamala and dissolution of their marriage by the said decree and that he had shown his full name as Rangappa only, he cannot be held to have committed any misconduct under the Standing Orders of the management company. With regard to his statement dated 14-10-1994

said to have been made by him before the Vigilance Officer that he has been living separately from his wife, Smt. Kamala from December 1990 onwards. His contention was that Vigilance Officer was not a competent authority to have recorded such a statement and since the copy of the said statement was not furnished along with the charge sheet it should not have been acted upon and believed by the Enquiry Committee. He contended that even otherwise, merely, because his wife, Smt. Kamala was living separately from him from December 1990, onwards it cannot be said that she lost the status of his wife from December 1990, onwards. He contended that there is no charge against him to suggest that he in fact did not take journey along with his wife, Kamala for the Block period of 1990-91 and 1992-93 and therefore, it cannot be said that he contravened any of the provisions of the standing orders of the management company for having availed the benefit of the LTC facility for the aforesaid two Block Periods.

8. With regard to the charge that he did not inform the management about the dissolution of his First Marriage. He contended that he had brought this fact to the notice of Personal Manager orally immediately after dissolution of his First marriage. That apart, the workman challenged the enquiry findings on the ground that they were not based on legal and sufficient evidence and that evidence of his Ex. Wife, Kamala examined as PW3 during the course of enquiry support his defence rather than supporting the case of the management. He also made reference to the evidence of Investigation Officer contending that his testimony with regard to his (workman) statement made before him is not worth credence and cannot be acted upon as legal evidence. Therefore, he contended that enquiry findings suffered from perversity holding him guilty of the charges of misconduct. He then challenged the impugned punishment order contending that the authority did not apply its mind properly appreciating the fact brought on record by oral and documentary evidence and the defence taken by him by way of explanation submitted in response to the enquiry findings. Lastly, he contended that keeping in view the amount of alleged pilferage and the nature of the charges of misconduct leveled against him, punishment of dismissal was unwarranted and therefore, is liable to be quashed at the hands of this tribunal.

9. The management by its counter statement however, maintained and asserted that charges of misconduct leveled against the first party workman have been proved by sufficient and legal evidence much less in the very admissions of the workman to the effect that he did avail the aforesaid LTC and Medical Treatment Facilities for his wife, Smt. Kamala. The management contended that the findings by the Enquiry Officer holding the workman guilty of the charges are quite valid and legal much less cogent based on oral and documentary evidence and therefore, the management was justified in upholding those findings and then to pass the impugned punishment order dismissing him from service. It contended that having regard to the gravity of the misconduct committed by the workman which involved moral turpitude, the management lost the confidence in him and had no alternative but to get rid of his services. Therefore, the

management requested this tribunal to dismiss the reference.

10. Keeping in view the pleadings of the respective parties with regard to the fairness and validity or otherwise of the enquiry proceedings conducted against the first party workman by the Second Party Management, this tribunal on 10-09-1999 framed the following Preliminary Issue :

“Whether the Second Party proves that the DE conducted against the first party was in accord with certain Principles, Certified Standing Orders and Principles of Natural Justice.”

It was taken up in the first instance and during the course of trial on the said issue, the management examined one witness as MW1 and got marked in all 15 documents at Ex. M1 to M15. The workman examined himself as MW1 and also subsequently filed his affidavit by way of further examination chief.

11. After having heard the learned counsels for the management and the workman in person, this tribunal by its order dated 07-03-2005 recorded a finding on the above said issue holding that the DE conducted against him by the management was fair and proper. Thereupon, case was taken up for hearing on the perversity of the findings and the quantum of the punishment awarded against the workman. The workman submitted his written arguments as well as advanced his oral arguments. He also submitted his reply argument in response to the arguments submitted by the management. In his oral arguments, once again, the workman asserted that he had availed LTC & Medical Treatment Facilities with respect to his wife, Smt. Kamala well before 20-11-92 when their marriage was dissolved by the aforesaid decree. He also advanced arguments once again on the point that no show cause notice was given to him before issuing the charge sheet and enquiry was not conducted properly. He contended that the witnesses examined by the management are not reliable and even otherwise the statement of his ex-Wife, Smt. Kamala would lend support to his defence. He submitted that the other employees of the management who had availed such LTC & Medical Treatment Facilities to the tune of Rs. 42,000/- and odd have been reinstated in service and whereas, in his case for a petty sum of Rs. 3000/- and odd, he has been dismissed from service and it was done with an ulterior motive to harass the workman for his trade union activities. The management counsel by his Written argument once again repeated the various contentions taken by it in the Counter Statement and supported the findings of the enquiry committee in holding the workman guilty of the charges. He also supported the punishment of dismissal keeping in view the nature of misconduct committed by the workman.

12. After having gone through the oral and documentary evidence brought on record during the course of enquiry and the findings of the enquiry committee holding the workman guilty of the charges, I do not find much substance in the arguments advanced by the workman contending that findings of the enquiry committee suffered from perversity.

13. Various contentions taken by the first party workman in his written arguments once again challenging and attacking the enquiry proceedings do not hold the field as separate finding has already been recorded by this tribunal on the issue that enquiry conducted against him by the enquiry committee is fair and proper. Now coming to his contentions assailing the enquiry findings, there is again no merit and substance. From the perusal of the reasonings assigned by the Enquiry Committee in holding the workman guilty of the charges by no stretch of imagination, it can be said that they suffered from any perversity. Each and every point raised by the Enquiry Committee to record its findings has been dealt with threadbare having regard to the oral evidence as well as the documents produced by both the parties and so also taking into consideration the defence taken by the workman. The enquiry committee after having discussed the evidence brought on record answered all the points except point No. 4 partially holding that the claim of the first party workman in claiming the LTC facility for the block period of 1990-91 is not a false claim. As this finding has not been challenged by the management and therefore, it has to be confirmed. Therefore, there was sufficient, legal and satisfactory evidence in oral as well as documents before the Enquiry Committee in coming to the conclusion that the first party is guilty of the charges of misconduct as levelled against him. As noted above, the fact of availment of LTC and Medical Treatment Facilities has not been, as such, disputed by the workman. He availed LTC facility for the block period 1992-93 despite the fact that the marriage between him and Smt. Kamala was dissolved by the decree dated 20-11-1992. When, as on 20-11-1992 Smt. Kamala was not his wife, certainly, he could not have availed the LTC facility for the block period of 1992-93. At least to prove his bona fides, the workman could have paid back the amount he availed towards the said LTC facility in respect of Smt. Kamala before he was charge sheeted. Undisputedly, he did not do so.

14. Now coming to the Medical Facilities, it is again not in dispute and further it has come in the statement of his ex-wife, Smt. Kamala examined during the course of enquiry that even after the said divorce she availed the medical treatment facility up till the year 1994. The contention of the workman that she availed the medical treatment subsequent to the dissolution of the marriage without his knowledge, would have carried some weight had he not availed or drawn the amount towards the above said medical treatment meted out to her subsequent to the decree of the divorce. Moreover, had he informed the management about the dissolution of his marriage with Smt. Kamala, immediately, after the divorce took place, the management would not have allowed Smt. Kamala to take the Medical Facility subsequent to 20-11-1992? His contention that he had brought notice of this fact to PW1 orally when he met him during 1992 after PW1 suffered accident has absolutely no basis. PW1 in his examination chief has deposed to the fact that he even did not remember of the workman visiting him after he met with the accident as several visitors had come to meet him at the relevant point of time. Therefore, the enquiry committee right came

to the conclusion that the first party workman reported the dissolution of his first marriage only on 20-9-1994 but his application dated 22-7-1994 and not earlier to that. His contention that not informing the particulars of first marriage and not giving his full name in the above said memorandum of marriage certificate before the authority concerned will not constitute misconduct, it being his personal matter again deserves no merit. Clause 34(20) of the Certified Standing Orders of the management committee would make it clear that making false representation to any authority is a misconduct under the said provision. Therefore, the conduct of the workman in suppressing the fact of his first marriage and dissolution thereafter while conducting the second marriage certainly was with dishonest intention to hoodwink the authority concerned. Therefore almost all the contentions raised by the workman in attacking the enquiry findings, in my opinion, do not deserve any merit. In the result it can be safely concluded that findings of the Enquiry Committee do not suffer from perversity. It is further to be held that charges of misconduct levelled against the workman have been proved against him by sufficient and legal evidence.

15. Now, coming to the question of punishment the conduct of the first party workman in availing the LTC facility for the block period of 1992-93 and the Medical Treatment facility extended to his ex-wife Kamala subsequent to the dissolution of marriage certainly involved moral turpitude. He cannot be allowed to say he had done it with good intention or had bonafides in claiming the amounts towards the above said facilities as per the practice prevalent with the management company. However, having regard to the amount involved, the nature of the misconduct committed by the workman and that he had unblemished record of service spreading over the period of 15 years before he committed the misconduct on hand, it appears to me that ends of justice will be met if the order of dismissal passed against him is converted into an order of Compulsory Retirement with effect from the date of impugned punishment order. Accordingly, reference is answered and following award is passed.

AWARD

The impugned punishment order dated 26-10-1995 is hereby converted into Compulsory retirement. The workman shall have the benefit of his services as per the certified standing orders of Management Company. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 21st November, 2005).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2005

का.आ. 49.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक अंबुजा सीमेंट ईस्टर्न लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 255/99)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-12-2005 को प्राप्त हुआ था।

[सं. एल-29012/23/99-आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 7th December, 2005

S.O. 49.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 255/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of The General Manager, Ambuja Cement Eastern Ltd. and their workmen, which was received by the Central Government on 7-12-2005.

[No. L-29012/23/99-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/255/99

Presiding Officer : Shri C. M. Singh

Shri Harish Chandra Verma,
C/o Shri A. I. Verma, Parsabhadar Road,
Civil Line, Baloda Bazar,
Raipur.

..... Workman

Versus

The General Manager,
Ambuja Cement Eastern Ltd.,
Modigram Rawan, Baloda Bazar,
Raipur.

..... Management

AWARD

Passed on this 22nd day of November, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-29012/23/99/IR(M) dated 15-7-99 has referred the following dispute for adjudication by this tribunal :—

“Whether Shri Harishchandra Verma, ex-Accounts Assistant was an employee under M/s Modi Cement Ltd., Presently Ambuja Cement Eastern Ltd.? If yes, whether the termination of Shri Harishchandra Verma w.e.f. 1-3-98 is justified? If not, to what relief the workman is entitled?”

2. After the reference order was received, it was duly registered on 29-7-99 and notices were issued to the parties to file their respective statements of claim. In response thereof the workman filled his statement of claim and the management filed preliminary objection regarding the maintainability of this reference. While the proceeding of this reference was in progress, workman Shri Harish Chandra Verma moved an application on 22-11-2005 with

the prayer that the reference be closed as he does not want to prosecute this reference. Shri Anoop Jaiswal, Law Officer for the management has no objection to the aforesaid application of the workman. He made an endorsement to the above effect on the application. Since the workman does not want to prosecute this reference and has prayed for closing the reference and the management has no objection to the aforesaid prayer of the workman, it clearly shows that no dispute is left between the parties. Considering it, I am of the considered opinion that no dispute award should be passed in this reference. Accordingly no dispute award is passed in the reference without any orders as to costs.

3. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2005

का.आ. 50.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बॉमर लारी एंड कं. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई संख्या 1 के पंचाट (संदर्भ संख्या 34/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-12-2005 को प्राप्त हुआ था।

[सं. एल-30011/28/2000-आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 7th December, 2005

S.O. 50.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 34/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. I as shown in the Annexure, in the industrial dispute between the management of M/s. Balmer Lawrie & Co. Ltd. and their workmen, which was received by the Central Government on 7-12-2005.

[No. L-30011/28/2000-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I,
MUMBAI

PRESENT:

JUSTICE GHANSHYAM DASS

PRESIDING OFFICER

REFERENCE NO. CGIT-34 OF 2000

PARTIES:

Employers in relation to the management of M/s. Balmer Lawrie and Co. Ltd.

AND

Mr. H. B. Dandhe and 23 Others

APPEARANCES:

For the Management : Mr. C. V. Pawaskar,
Advocate
Mr. Mokashi, Legal
Assistant.

For the Workman : Absent.

State : Maharashtra.

Mumbai, dated the 14th day of November, 2005

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for Short). Vide Government of India, Ministry of Labour, New Delhi, order No. L-30011/28/2000/IR(M) dated 26-5-2000. The terms of reference given in the schedule are as follows:

“Whether the action of the management of M/s. Balmer Lawrie & Co. Ltd. Taloja, in not giving regular production work to Shri H. B. Dandhe and 23 others permanent workmen is legal and justified? If not, to what relief the concerned are entitled?”

2. The Balmer Lawrie Company Ltd. (hereinafter referred to as “company” for short) as contended that the company had set up at Taloja a unit for manufacturing Oleo-Chemicals and Specialities in the year 1989. It was engaged in manufacturing of Hydrogenated Caster Oil and Hydroxy Stearic Acid having about 46 workman. Since the inception of the Company was getting into loss and ultimately it was closed permanently and irrevocably with effect from 11-11-1999 and all the workman concerned were offered Notice pay and compensation etc., in accordance with law. The matter of closure of the unit has given rise to Industrial dispute which the Central Government made a reference to this tribunal duly registered as CGIT-2/63 of 2000.

3. During the pendency of the instant reference the material development have taken place. This closure of the unit in question had been referred to this tribunal vide CGIT-2/63 of 2000 and the same has been decided on 31-1-2003 by Shri S. N. Saundankar, the then Presiding Officer of the tribunal whereby it has been held that the closure of Oleo-chemicals and Speciality Division is legal and justified and consequently, the termination of services of 35 workmen is legal and justified.

4. I have heard the learned counsel for the parties and gone through the record. The order of the CGIT-2 tribunal in 63 of 2000 appears to have become final between the parties and it has set at rest the controversy, since the closure of Oleo-Chemical and Speciality Division has been held to be justified and consequent, the

termination of services of 35 workmen is also held to be legal and justified. In this view of the matter the grant of production work to the workman in question under this reference by M/s. Balmer Lawrie Company Ltd., does not arise since the unit as a whole has been closed down, the workman cannot be held to be entitled for the regular production work by the company. Further, after going through the record I do not find any material on record on the basis of which it can be inferred that the attitude of the company in dealing with the workmen in question was at any time arbitrary as rejudicial to the workman. The company appears to have worked in good faith. Since it has gone into loss it had to close down the unit as a whole. No prejudice of right is shown by the workman in not providing regular production work to them nor it is the case of the workman that anybody else in place of the workman in question has been provided regular work against law. Keeping in mind, the entire record and the discussions made above, I conclude that the action of the management of M/s Balmer lawrie & Company in not giving regular production work to Shri H. B. Dandhe and 23 others permanents workmen is legal and justified. The workmen are not entitled to any relief at this juncture by this tribunal.

The reference is accordingly answered in affirmative.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2005

का.आ. 51.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स शिसपान शिपिंग लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई नं. 1 के पंचाट (संदर्भ संख्या 56/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2005 को प्राप्त हुआ था।

[सं. एल-39012/1/2004-आई.आर. (बी-11)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 7th December, 2005

S.O. 51.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 1 as shown in the Annexure, in the industrial dispute between the management of Seaspan Shipping Ltd., and their workmen, received by the Central Government on 7-12-2005.

[No. L-39012/1/2004-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NO. 1 MUMBAI

PRESENT: JUSTICE GHANSHYAM DASS

PRESIDING OFFICER

REFERENCE NO. CGIT-56 OF 2004

PARTIES:

Employers in relation to the management of M/s. Seaspan Shipping Ltd.

AND

Their workman.

APPEARANCES:

For the Management : Shri Umesh Nabar,
Advocate

For the Union : Mr. James Jacob

State : Maharashtra.

Mumbai, dated the 29th day of November, 2005

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for Short). Vide Government of India, Ministry of Labour, New Delhi, Order No. L-39012/1/2004/IR(B-II) dated 21-6-2004. The terms of reference given in the schedule are as follows:

"Whether the action of the management of M/s. Seaspan Shipping Ltd. Mumbai in terminating the service w.e.f. 24-4-2003 and in not paying salary/wages for the period from February, 2001 to April, 2003 to Shri James Jacob Mrs. Hemlata Dhuri and Mrs. Sheela Tirodkar is justified? If not, what relief these three workmen are entitle to?"

The Seaspan Shipping Ltd. 1st Party and the workman 11nd Party have settled the matter outside the tribunal. As per the terms and conditions of the settlement in writing, each of the workmen has been paid lump sum amount due against M/s. Seaspan Shipping Ltd. Each one of the workmen namely Mr. James Jacob Velivil, Mrs. Hemlatha Dhuri and Mrs. Sheela Tirodkar has been paid a sum of Rs. 201563, Rs. 42071 & Rs. 87982 respectively. Each one of them has filed a separate receipt for the payment received and each one of them has admitted the contents of the also receipt of the money mentioned therein.

In these circumstances, the dispute is settled. The termination of the workmen is accepted to be legal and fair. Hence, I conclude that the action of the management M/s. Seaspan Shipping Ltd. is justified in terminating the services of workmen.

The reference is answered accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer.

नई दिल्ली, 8 दिसम्बर, 2005

का.आ. 52.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स मोटवानी मिनरल्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण उदयपुर के पंचाट (संदर्भ संख्या 3/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2005 को प्राप्त हुआ था।

[सं. एल-29012/11/96-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 8th December, 2005

S.O. 52.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/96) of the Industrial Tribunal Udaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Motwani Minerals and their workman, which was received by the Central Government on 8-12-2005.

[No. L-29012/11/96-IR (M)]

B. M. DAVID, Under Secy.

अनुबंध

कार्यालय : औद्योगिक विवाद अधिकरण एवं

श्रम-न्यायालय, उदयपुर

मु. नं. 3/96, आई. टी. आर. केन्द्र सरकार,

अनवान—श्री रामा पुत्र जालमा बनाम मै. मोटवानी मिनरल्स,
द्वारा प्रो. 4 बी. बापू बाजार

अधिसूचना नं. एल-29012/11/96-आई. आर. (विविध)

दिनांक 14-8-96

निर्णय

दिनांक 9-5-05—प्रार्थी प्रतिनिधि उपस्थित 21=विपक्षी के विरुद्ध कार्यवाही एक पक्षीय है। प्रार्थी प्रतिनिधि ने आज एक प्रा. पत्र पेश कर निवेदन किया। प्रार्थी श्रमिक का विवाद में सेवा मुक्ति तिथि अंकित है, वह सही नहीं होने से संशोधन के लिए काफी प्रयास किये गये, संशोधन प्राप्त नहीं होने से इस विवाद को विद्वा करने के लिए निवेदन किया है। अतः हस्व प्रा. पत्र प्रार्थी विवाद विद्वा करने के कारण अब इस विवाद में कोई कार्यवाही शेष नहीं रहती है, अतः प्रार्थी के पक्ष में कोई विवाद नहीं “नो-डिस्म्यूट” एवार्ड जारी किया जाता है।

सूचना भारत सरकार को भेजी जाए, पत्रावली फैसल शुमार होकर दाखिल दफ्तर हो।

ह०/-अपठनीय
न्यायाधीश

नई दिल्ली, 8 दिसम्बर, 2005

का.आ. 53.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स डेलटेक

(इण्डिया) प्रा. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण गुवाहाटी के पंचाट [संदर्भ संख्या 15(c)/99] को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2005 को प्राप्त हुआ था।

[सं. एल-30012/22/98-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 8th December, 2005

S.O. 53.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 15(c)99] of the Industrial Tribunal Guwahati as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Deltech (India) Pvt. Ltd. and their workman, which was received by the Central Government on 8-12-2005.

[No. L-30012/22/98-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL : GUWAHATI, ASSAM

REFERENCE NO. 15(C) OF 1999

Present :

Shri B. Bora, Presiding Officer
Industrial Tribunal, Guwahati

In the matter of an Industrial Dispute between :

The Management of
Oil India Ltd.,
M/s. Deltech (India) Pvt. Ltd.
Vs.

The Workmen Rep. by General Secretary,
Oil Man Management Drilling Workers Union,
Dibrugarh

APPEARANCE :

For the Management : Shri S.N. Sharma, Advocate

For the Workmen : Shri A. Dasgupta, Advocate

Date of Award : 26-9-2005

AWARD

The Govt. of India, Ministry of Labour, New Delhi by a notification No. L-30012/22/98-IR (M) dt. 8-6-99 referred an Industrial Dispute between the Management of Oil India Ltd., and their workmen.

On receipt of reference, a reference case was registered and notices were issued to both parties calling upon them to file their written statements/addl. written statements and documents, if any. In response to the notices both parties appeared in this court and filed their written statement. Both parties also adduced evidences both oral and documentary in support of their respective case.

By this judgement I propose to dispose of the preliminary objection raised by the Management as to the maintainability of this reference. The preliminary objection raised by the Management was : Whether the contract labours can raise an Industrial Dispute for regularisation unless a notification U/s. 10 (1) of the Contract Labour (Regulation and Abolition) Act, 1970 (for short the CLRA Act) has been issued by the Appropriate Govt.?

The terms of reference in this dispute was :

“Whether the claim of the union (contractual workers’ union) for regularisation of their service in Oil India Ltd. (Contract workers engaged through Oil India Registered contractors) is justified? If not, to what relief these contractual workers are entitled ?”

From the reference itself it can be seen that the dispute regarding regularisation of the service was raised by the contractual workers union of the Oil India Ltd.

The most question is whether the contractual Labours can raise Industrial Dispute for any service benefit unless employment of contractual labours is barred by the Appropriate Govt. by a notification U/s. 10(1) of the CLRA Act?

The stand of the Management is that the workmen of this reference were employed through registered contractors. The management asserts that the workmen were engaged through M/s. Deltech (India) Pvt. Ltd. There was an agreement between the Management and the contractor for supplying workmen for performing drilling operations. The agreement was executed on 12-7-95. Ext. A is the said agreement.

There is no dispute that the workmen of this reference were contract labours. The witness No. 1 for the Union clearly stated that they were engaged by M/s. Deltech (India) Pvt. Ltd., which was a registered contractor. From the written statement of the union, however, it can be seen that the union asserted that the contract between the Management and M/s. Deltech (India) Pvt. Ltd., was nothing but a mere camouflage to deprive the workmen from the facilities extended to other regular employees of the Management.

Now, let me examine as to whether the contract between the Management and M/s. Deltech (India) Pvt. Ltd., was a sham/camouflage or it was a valid contract.

A contract which can be enforced by a competent court is a valid contract.

The contract in question was executed by the Principal Employer and M/s. Deltech (India) Pvt. Ltd. Both the parties are juristic persons. It is seen that there was a valid contract between the Principal employer and the contractor for supplying workmen for performing the drilling works.

From the materials on the record it is crystal clear that the workmen in question were contract labours and there was no relation of employer and employee between the Principal employer and the workmen. This being the position, let me examine whether the claim of the workmen for regularisation of their service is maintainable as per provisions of the I.D. Act, 1947 or not?

In order to come within the perview of Section 2 (K) of the I.D. Act, the dispute or difference raised must be between employers and workmen. The dispute in hand can not be termed as Industrial Dispute as the same is not between the employer and the workmen. In the instant case the workmen were employed by the contractor as per terms and conditions of the agreement entered into by the Oil India Ltd., and M/s. Deltech (India) Pvt. Ltd., The workmen were paid by the contractor. It is seen that the Oil India Ltd., approved the engagement of some of the workmen in different capacity. The union has taken the stand in their written statement that the job in which the workmen were engaged are perennial in nature and the jobs performed by these workmen are specialized jobs. The union further stated that the workmen are required to face interview before their employment by the Company. Moreover, the company supervise the performance of these workmen during their employment through the contractor. By this assertions, the union tried to establish the existence of a relationship between the Principal Employer and the workmen and that the contract between the Principal employer and the contractor was nothing but a ruse or a camouflage.

On the other hand the Management took the stand that as the claim of the workmen is for abolition of the contract labour system and regularisation of their service, this Tribunal has no jurisdiction to adjudicate the reference. The power to abolish the contract labour system in any industry or establishment is vested upon the Appropriate Govt. by Section 10 (1) of the Contract Labour (Regulation and Abolition) Act, 1970. This tribunal has no power to direct the principal employer to regularise the contract labours unless and until employment of contract labour is prohibited by the Appropriate Govt. by a notification as mentioned above.

The learned counsel for the Management has drawn my attention to various case laws to press home this arguments. The most important of these case laws is the Steel Authority of India Ltd., and others Vs. National Union of Water Front Workers and others (2001 AIR SCW 3574) in which the Hon’ble Apex Court held that “Neither Section 10 of the CLRA Act nor any other provision in the Act, whether expressly or by necessary implication provides for automatic absorption of contract labour on issuing a notification by appropriate Govt. under sub-section (1) of Section 10, prohibiting the

employment of Contract Labour, in any process, operation or other work in any establishment. Consequently, the principal employer can not be required to order absorption of the contract labour working in the concerned establishment. By the same judgement it was held by the Hon'ble Apex Court that the Judgement of the said Court in Air India's Case (1997 AIR SCW 430) was over ruled prospectively and further held that any direction issued by any Tribunal/Court including High Court for absorption of contract labour following the decision in the Air India's Case (Supra) shall hold good and the same shall not be set aside/altered or modified on the basis of the Judgement of the Steel Authority of India's Case. By the same Judgement the Hon'ble Apex Court held that—"On issuance of prohibition notification under Section 10(1) of the CLRA Act prohibiting employment of contract labour or otherwise, in an Industrial Dispute brought before it by any contract labour in regard to conditions of service the industrial adjudicator will have to consider the question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislations so as to deprive the workers of the benefit thereunder. If the contract is found to be not genuine but a mere camouflage, the so called contract labours will have to be treated as employees of the principal employer who shall be directed to regularise the services of the contract labour in the establishment concerned subject to the conditions as may be specified by it for that purpose in the light of para 6 hereunder."

If the contract is found to be genuine and prohibition notification under Section 10(1) of the CLRA Act in respect of the establishment concerned has been issued by the appropriate Government, prohibiting employment of contract labour in any process, operation or other work of any establishment and where in such process, operation or other work of the establishment the principal employer intends to employ regular workmen, he shall give preference to the erstwhile contract labour, if otherwise found suitable and, if necessary, by relaxing the conditions as to maximum age appropriately, taking into consideration the age of the workers as the time of their initial employment by the contractor and also relaxing the condition as to academic qualifications other than technical qualifications.

Being situated thus, let me examine as to whether the contract between the Principal Employer and M/s. Deltech India Pvt. Ltd., was mere a ruse/camouflage or genuine one. The workmen's union in its written statement in para 2 has admitted that the members of this union are contract labourers and there are 67 workers in this union.

Since, the union itself admits that they are contract labours, this fact need not any proof as admitted facts need not be proved by the opposite party.

Though the learned counsel for the union vehemently argued that the contract was a camouflage or sham one, no attempt whatsoever, was made by the union to prove it. The more fact that the Management approved the engagement of some of the workmen by the contractor or that the management supervised the drilling works performed by the workmen engaged by the contractor, it can not be said that the workmen worked directly under the management. The Clauses 7.II, 7.II.1 and 7.II.2 of the contract (Ext. A) clearly stipulate that the company shall have the authority to supervise all the activities of the contractor performed as per terms of the contract.

This being the position, mere supervision of the works of the workmen does not create any relationship between the company and the workmen. Nor can it be said that the contract in question was a sham or camouflage. The company has the moral and legal obligation to supervise the works of the workmen while they are engaged in drilling rigs as the equipments used for drilling are the properties of the company and if these equipments which cost several hundred crores of rupees, are mishandled by the workmen, the equipments may be damaged causing huge loss to the company. Hence the company has its obligation to supervise the drilling works. In order to establish that there had been a relationship of employer and employee between the company and the workmen it must be shown that they were directly engaged by the company and they were directly paid by the company. Not only that, it must be proved that the company maintained a roll of the workmen and granted them leave and other benefits admissible to such employees. Nothing has been proved. It is not suffice to say that the contract was not genuine but a camouflage. The Preliminary issue is answered in the negative.

Given under my hand and seal on this the 26th day of Sept, 2005.

B. BORA, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2005

का. आ. 54.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स हिलसन एंड दिनशाँ (प्रा.) लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई नं. 1 के पंचाट (संदर्भ संख्या 49/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2005 को प्राप्त हुआ था।

[सं. एल-31011/20/92-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 8th December, 2005

S.O. 54.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.49/93) of the Central Govt. Industrial-Tribunal-cum-Labour Court, Mumbai No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Hill Son & Dinshaw (P) Ltd. and their workman, which was received by the Central Government on 08-12-2005.

[No. L-31011/20/92-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 MUMBAI

PRESENT:

JUSTICE GHANSHYAM DASS

Presiding Officer

Reference No. CGIT-49 of 1993

PARTIES: Employers in relation to the management
of M/s. Hill Son & Dinshaw (P) Ltd.

AND

Their workmen

APPEARANCES:

For the : Shri Makandar, Adv.
Management

For the Union : Mr. J.P. Sawant, Adv.

State : Maharashtra

Mumbai, Dated the 30th day of November' 2005

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of Sub-section 1 of Sub section 2 A of Section 10 of the Industrial Disputes Act 1947 (the Act for short), Vide Government of India, Ministry of Labour, New Delhi, order No. L-32011/4/92-IR(Misc) dated 25-8-1993. The terms of reference given in the schedule are as follows :

“Whether the action of the management of M/s. Hill Son & Dinshaw (P) Ltd., Bombay in terminating the service of S/Shri Kader Khan and 31 other workmen (As per annexure 'A') with effect from 9-11-1989 without complying the provision of the I.D. Act, 1947 is just, proper and legal ? IF not, to what relief are these workmen entitled to ?”

2. The Statement of claim was filed by the workmen as back as on 20-10-1993. The case of the workmen is that the workmen were working for the company in relation to the business of the company as stevedores. Though, no designation was given to them but all of them were working as monthly GPL workmen. They were given Dock entry on

behalf of the company by the Dock Authorities on a specific requisition made by the company. The workmen worked for more than 4-5 years. They were not given various benefits as per the requirement of the labour statutes, Minimum Wages Act, Payment of Bonus Act. The Selected workmen were however, kept on permanent muster of the company without benefits but the workmen under the reference in question were not treated at par not they were being kept on regular basis. When the workmen raised their demands, the company conspired to remove them by various methods of threats of termination and other intimidatory tactics. The workmen approached the Honourable Industrial Court, Bombay by making a complaint No. 1325 of 1989 under Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practice Act 1971. Ad interim injunction was granted by the Court on 09-11-1989. The company did not comply with that order and illegally terminated the services of the workmen w.e.f. 09-1-1989. The matter was agitated before the aforesaid Industrial Court but the complaint was finally dismissed on the ground that the appropriate Government in respect of the company is Central Government. It is for this reason that the matter was referred by the Central Government to this tribunal. It is contended that the termination of the services of the workmen is liable to be quashed and set aside by the tribunal. The workmen may be reinstated with full back wages and continuity of services w.e.f. 09-11-1989.

2. M/s. Hill Son & Dinshaw (P) Ltd. (hereinafter referred to as the company for short) filed written statement on 29-3-1994. It is alleged that the company is in the business of Stevedoring i.e. loading and unloading of cargo from steamer ships at the Bombay docks. It is not doing any other business. It is a member of the Bombay Stevedores. Association Ltd., a duly recognized body of the employers. The workmen employed in the Docks area both by Bombay Port Trust and other stevedoring companies are the registered workers under the Dock workers Regulation of Employment Act 1948 and the Rules and Schemes framed there under. Under the said Act, Bombay Dock Labour Board came to be established for registering the workers working in the docks. On account of aforesaid statutory provisions, the company who is required to do stevedoring work has to compulsorily register itself with the Bombay Dock Labour Board. Similarly, the workmen seeking employment in the docks have also to register themselves with Bombay Dock Labour Board (hereinafter referred to as the Board for short). The company whenever requirement is there to carry out the work, has to take the workmen duly registered with the Board.

3. The company has alleged that it required the workmen to meet urgent needs to cope with the work and in view of emergency of sudden absence of workmen, it was not possible to follow the procedure of requisitioning

of the registered workmen from the Board. For this reason, used to employ workmen from outside and thus kept the casual workmen without following the due procedure of law. These workmen were employed as "Badli" workmen as commonly understood with no guarantee of regular work. The workmen under the reference were not registered with the Bombay Dock Labour Board. Thus they had no right to work in the docks without being registered in the said Board. The company had no right to engaged these workmen being against the provisions of procedures of the Board. The aforesaid practise of engaging the workmen against the provisions of law continued despite one or two occasions, when the Personnel Officer of the Board took serious objections to it as evident from the letters dated 20-6-1989, 26-6-1989 and 18-9-1989. The Labour Inspectors of the Board also sometimes stopped the companies work since the workmen were not duly registered with the Board. The company dared to state that despite the employment being illegal, the company used to employ the unregistered workmen to meet the emergencies of the work.

4. The main contention of the company is that in view of the aforesaid circumstances, the workmen under the reference who were known as "Badli" workers had no right to continue with the employment.

5. The company also alleged that it is not true that all the workmen under the reference in question were being kept in regular appointment since the year 1985. The workmen namely :

1. Chandrakant
2. Garibuddin
3. Frauk Khan
4. Mungekar
5. Mansur Khan
6. Kamalakar
7. Mahendra Shinde
8. Salim
9. Rajan
10. Sabir Khan,

worked only for one or two months. None of the workmen was on the basis of regular employment. Hence the question of granting any benefits as claimed by them did not arise. It is wrong to allege that the company conspired to remove the workmen for one reason or the other. It is also specifically alleged that the workmen in question were not governed under the provisions of Retrenchment under Section 2(oo) of the Industrial Dispute Act. It is also alleged that some of the workmen even worked after 9-11-1989 and hence it is incorrect to say that they were removed from

service w.e.f. 9-11-1989.

6. The parties have filed voluminous evidence consisting of oral as well as documentary.

7. I have heard the parties and perused the record. The written submissions have also been looked into.

8. The instant reference has a chequered history. It has been pending for the last about 12 years for one reason or the other. It is a matter of sorrow that despite the expiry of such a long period, the poor workmen under the reference in question are not in a position to claim any benefit from this tribunal at this juncture for the following reasons.

9. The instant reference is bad at the very outset for a blunder on the part of the Government. The reference says a that the matter is to be looked into regarding the termination of Shri Kader Khan and 31 other workmen (as per Annexure 'A') w.e.f. 09-11-1989. I am sorry to say that Annexure 'A' as mentioned above has never been received by this tribunal till date and none of the parties has cared for it. Thus, the reference cannot be looked into.

10. The workmen under the reference in question are alleged to be 32 in number. On the basis of evidence on record it is difficult to conclude that all these 32 workmen were actually in employment on the alleged date of termination i.e. 9-11-1989. It is further difficult to conclude that all of them were actually in employment since the year 1985 as alleged in the Statement of claim. Sufficient evidence is available on record to show that some of the workmen under the reference in question were employed for a very short period sometimes in the year 1986 or 1988 and lastly in the year 1989. The continuous employment as alleged for by the workmen in question is not there. The workmen examined 28 witnesses on oath and the remaining four were admittedly untraceable since left Bombay for some other place.

11. The serious legal objection in this case is that the workmen in question were not duly registered workmen with the Board. The law required that they should have been registered with the Board before claiming the employment. It was the mandatory duty of the company not to take any workmen in employment unless registered with the Board. The company admittedly flouted the legal provisions by employing unregistered workmen taking them from outside the gate. The explanation furnished by the company that it was done to meet the emergencies cannot be accepted nor it can be a ground to permit the company to commit illegalities despite the objection being raised by the Competent Officers of the Board. The poor workmen were not to be blamed for it. But under the legal requirement, the workmen could not claim employment since they could not be employed in accordance with the provisions of the Board.

12. In view of above and keeping in mind the period of illegal employment of the workmen in question, the

workmen could not be termed to be regular employees of the company. They could be simply termed as casual labourers. It is true that even the casual labourers are to be removed from service in accordance with law and after following due procedure prescribed under the Industrial Dispute Act; but in the case in hand, the workmen cannot claim legal employment being not registered with the Board and hence their so called removal from service w.e.f. 9-11-1989 cannot be said to be retrenchment under the provisions of Section 2(oo) of the Industrial Dispute and hence the removal cannot be said to be illegal. The person illegally employed cannot claim benefit out of it.

13. The evidence is also being led by the company to show that some of the workmen in question actually worked even for some dates after 9-11-1989 and so for this reason the reference again becomes bad. The cut off date mentioned under the reference does not appear to be a correct date and all the workmen in question.

14. This tribunal has no jurisdiction and competence to correct/modify/amend/alter the terms of reference or correct the name or date of termination in view of the law laid down by the Honourable Rajasthan High Court in the cases reported in 2002 (94) FLR 843 HC Rajasthan, Suresh Chandra v/s. Gen Manager, Rajasthan State Bridge and Consturction Corporation and 2003 (99) FLR 354 HC Rajasthan Mahavir Conductor v/s. Nand Koshore.

15. The reference was held to be bad by the Honourable Supreme Court in a case reported in 1975 LIC pg. 358 SC State of Punjab v/s. Godhra Transport Co. Pvt. Ltd. where the espousing of the cause of the workman was raised only by 1/12th of the workmen affected thereto. It was held that there was no Industrial dispute and the reference made by the Government was not competent.

16. In the case reported in 1994 ILLJ page 888, (SC) between Kerala Solvent Extractions Ltd. And Unnikrishanan & Anr. the Honourable Supreme Court deprecated misplaced sympathy, generosity and private benevolence to Badli workers who got employment by supressing the true facts. In another case reported in 1987 ILLJ page 97 between Prakash Cotton Mills Pvt. Ltd. and the Rashtriya Mill Mazdoor Sangh the Honourable Supreme Court held that the management was liable to pay enclosure compensation even if closure was in accordance with the Standing Orders and due to the reasons beyond the control of the management but Badli workmen had no right to claim compensation on account of closure.

17. The serious development during the pendency of the instant reference has taken place. It is the admitted position now that the company seized to have the work of Stevedoring. Its license for stevedoring work has come to an end w.e.f. 01-11-2002. This work is now being done by Mumbai Port Trust itself. The company has filed letter issued by Mumbai Port Trust (Ex-B) on record. That being so, the company cannot be burdened at all under the law

with the employment of the workmen in question.

18. In a very recent case of ANZ Grindlays Bank now known as Standard Chartered Grindlays Bank Ltd. v/s Union of India decided on 08-11-2005 the Honourable Supreme Court observed vide para 12 of the judgement that even if a settlement is set aside, the Federation (Second Respondent) would not gain in any manner as no enforceable award can be given in its favour which may be capable of execution. On the contrary, the appellant bank would be a big loser as it would not be only difficult but almost impossible for the bank to recover the monetary benefits already paid to its employee under the settlement. In this view of the matter the reference made by the Central Government was held to be uncalled for and set aside. The reference was also made vide para 14 of the judgement of the case of National Engineering Industries Ltd. V/s. State of Rajasthan and others (2000) 1 SCC 371 para 24 thereof was quoted as under :

“It will be seen that High Court has Jurisdiction to entertain a writ petition when there is allegation that there is no industrial dispute and none apprehended which could be subject matter of reference for adjudication to the Industrial Tribunal under Section 10 of the Act. Here it is a question of jurisdiction of the Industrial Tribunal, which could be examined by the High Court in its writ jurisdiction. It is the existence of the Industrial Dispute which would clothe the appropriate Government with power to make the reference and the Industrial Tribunal to adjudicate it.”

19. For this reason too, the workmen are not entitled to any relief at this juncture.

20. As mentioned above, the workmen being employed against the specific provisions of the Board, their appointment itself become illegal and hence they could not claim any legal right thereof and their removal from service cannot be said to be illegal or unjustified.

21. In view of what has been discussed above, I conclude that the reference is liable to be dismissed. It is accordingly dismissed.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2005

का. आ. 55.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स अमरनाथ एंड संस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 4/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2005 को प्राप्त हुआ था।

[सं. एल-29011/42/89-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 8th December, 2005

S.O. 55. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/92) of the Central Government Industrial Tribunal-cum-labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Amarnath & sons and their workman, which was received by the Central Government on 8-12-2005.

[No. L-29011/42/89-IR (M)]

B. M. DAVID, Under Secy.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं० सी.आई.टी. 4/1992

रैफरेंस: केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल. 29011/42/89- आई.आर. (मिस०) दि. 7-1-92

खदान मजदूर यूनियन, कोलायत, बीकानेर।

प्रार्थी

बनाम

1. मै० अमरनाथ एण्ड सन्स, खदान मालिक, रथखाना कॉलोनी, बीकानेर।
2. मै० बीकानेर सिरमिक्स प्रा० लि० औद्योगिक क्षेत्र, बीकानेर।
3. मै० तहला राम एण्ड सन्स, खदान मालिक, रथखाना, बीकानेर।
4. सन्नी एन्टरप्राइजेज रथखाना बीकानेर।
5. मै० भगवान दास चन्द्र कुमार कम्पनी खदान मालिक, चन्दा हाऊस, बीकानेर।
6. मै० बीकानेर क्ले एण्ड कैमीकल्स, भगवान दास भवन रथखाना कॉलोनी, बीकानेर।
7. मै० रॉ प्रोडक्ट्सप्लास्टर्स एण्ड फिटलाइस (माइन्स) रथखाना बीकानेर।
8. मै० मरघटा एन्टरप्राइसेज, 3-4 कामर्शियल काम्पलैक्स औद्योगिक क्षेत्र बीकानेर।
9. मै० रे. श्री. माइन्स एण्ड मिनरल्स जस्सोर गेट के अंदर, बीकानेर।
10. श्रीमती रमा देवी शर्मा, खदान मालिक, मार्फत दामोदर शर्मा 100, औद्योगिक क्षेत्र बीकानेर।
11. मै० हेमेन्द्र मिनरल्स (बी) पवनपुरी, बीकानेर।
12. मै० सुरेन्द्र सिंह वैद खदान मालिक, 1 बी, पवनपुरी, बीकानेर।
13. मै० शान्ता सेल्स कारपोरेशन, मोहन लाल का मकान माधुर राजस्थान पान भण्डार के पास, राणी बाजार, बीकानेर।

14. मै० सुमेर मल दफ्तरी, खदान मालिक, राणी बाजार बीकानेर।
15. मै० नयचन्द लाल डांगा, खदान मालिक, बागरी को मोहल्ला बीकानेर।
16. मै० सुन्दरलाल डांगा, खदान मालिक, बागरी मोहल्ला, बीकानेर।
17. मै० गुलाबचंद कोचर, लाभूजी का कटला, बीकानेर।
18. मै० सम्पत लाल डांगा खदान मालिक, बागरी मोहल्ला बीकानेर।
19. मै० शुभ करण चोररियां, खदान मालिक, संखलेचा कटला, बीकानेर।
20. मै० विरनू एजेन्सी, ठेकेदार, उड़ीसा सीमेन्ट लि० शिव कुटीर जेलकुवा, बीकानेर।
21. मै० मधुसूदन असोया, खदान मालिक, गोगागेट, बीकानेर।

प्रार्थीगण

उपस्थित

पीठासीन अधिकारी: श्री पी.एल. हिस्सारिया.आर. एच. जे. एस.

प्रार्थी की ओर से :

कोई उपस्थित नहीं

अप्रार्थी की ओर से :

कोई उपस्थित नहीं

दिनांक अर्वाड : 27-9-2005

अर्वाड

1. केन्द्रीय सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न विवाद इस अधिकरण को अधिनिर्णयार्थ प्रेषित किया गया है:

"Whether the workers of Clay Mines employed by various employers are justified in demanding category wise pay scales with provisions for annual increments equal to 10% of their wages? If so, what should be the scales of pay for each category of workmen with quantum of annual increments and other incidental reliefs/benefits if any?

"Whether the demand of workers of Kolayatji area in the district of Bikaner for grant of 12 paid National Festival holidays in a year is justified? If so which are to be the 12 National/Festival holidays?"

2. प्रार्थी यूनियन की ओर से विवाद के समर्थन में अपना स्टेटमेंट ऑफ क्लेम पेश किया गया है जिसके अनुसार कोलायत क्षेत्र के 21 खदानों के श्रमिकगण अपने काम के अनुरूप वेतन प्राप्त नहीं कर रहे हैं और किसी प्रकार की अन्य सुविधाओं से भी वंचित हैं। खदान मालिक अपनी खदानों से अच्छा लाभ कमा रहे हैं किन्तु कार्यरत श्रमिकों को केन्द्रीय सरकार द्वारा विभिन्न पदों के लिए निर्धारित न्यूनतम वेतन से भी वंचित रखते आये हैं। सभी खदानों में कार्यरत श्रमिकों ने यूनियन के जरिये 22 सूत्रीय मांग पत्र प्रेषित किया जो उपरोक्त सभी अप्रार्थीगण को प्रस्तुत किया गया, जब अप्रार्थीगण द्वारा कोई प्रतिक्रिया व्यक्त नहीं गई तो केन्द्रीय/क्षेत्रीय श्रम आयुक्त को अनुरोध किया गया और समझौता वार्ता असफल होने पर केन्द्र सरकार ने मांग पत्र से दो मांगों को इस

अधिकरण के समक्ष प्रस्तुत किया गया है। प्रथम मांग जो कि पदों के अनुसार वेतन व 10 प्रतिशत वेतन के बराबर वार्षिक वेतन वृद्धि से संबंधित है, की औचित्यता के संबंध में यूनियन का कथन है कि खदानों में कार्यरत श्रमिक अकुशल से लेकर कुशल, शिक्षित व अर्द्ध कुशल आदि पद हैं जिन्हें राज्य सरकार के नियमानुसार न्यूनतम वेतन निर्धारित किया हुआ है किन्तु खदानों में कार्यरत श्रमिकों को उक्त निर्धारित न्यूनतम वेतन से भी कम वेतन का भुगतान किया जाता है। उदाहरण के लिए अकुशल कामगारों को 1990 से ही 22 रुपये न्यूनतम वेतन का भुगतान किया जाता है जबकि विवाद से संबंधित श्रमिकों को 1990 में मात्र 15 रुपये न्यूनतम वेतन का भुगतान किया जाता रहा है। खदान मालिकों को उनके माल की अच्छी मांग के कारण काफी लाभ-होता है अतः प्रार्थी यूनियन की यह मांग न्याय संगत व उचित है।

3. मांग सं० दो जो कि श्रमिकों को प्रतिवर्ष 12 सवैतनिक/राष्ट्रीय त्यौहारों/अवकाशों से संबंधित है, के संबंध में यूनियन का कहना है कि खदानों में कार्यरत श्रमिकों को किसी भी प्रकार का सवैतनिक अवकाश प्राप्त नहीं होता। अन्य संस्थानों में व उद्योगों में सवैतनिक वार्षिक छुट्टी, आकस्मिक अवकाश तथा राष्ट्रीय त्यौहारों के सवैतनिक अवकाश प्राप्त होते हैं। राजस्थान दुकान व वाणिज्यिक संस्थान अधिनियम के तहत आने वाले दुकानों पर काम करने वाले श्रमिकों को भी एक माह का सवैतनिक अवकाश प्राप्त होता है तथा फैक्ट्री अधिनियम के तहत आने वाले संस्थानों के कर्मचारियों को भी सवैतनिक अवकाश दिये जाते हैं। इन आधारों पर अपनी मांग को उचित बताते हुए यूनियन ने प्रार्थना की है कि उनका क्लेम स्वीकार किया जाकर उनको दोनों मांगों के संबंध में मांग के अनुसार अवार्ड पारित किया जावे।

4. अप्रार्थी सं० अमरनाथ एण्ड सन्स तथा अन्य सभी अप्रार्थीगण की ओर से जवाब पेश किया गया है जो सभी की ओर से एक जैसा ही प्रस्तुत किया गया है। जवाब में क्लेम के प्रथम तीन पैराज को अस्वीकार करते हुए कहा है कि श्रमिकों को उनकी श्रेणी के अनुरूप वेतन व सुविधाएं दी जाती हैं। अप्रार्थी संस्थान अच्छे लाभ की स्थिति में नहीं हैं और श्रमिकों को निर्धारित न्यूनतम वेतन का लाभ प्राप्त है। 22 सूत्रीय मांग पत्र में अधिकार मांगे अव्यवहारिक होने के कारण समझौता वार्ता में ही लेने योग्य नहीं मानी गई और कई मांगे उसी स्तर पर समाप्त कर दी गई, केवल दो मांगे ही राज्य सरकार ने निर्णयार्थ प्रेषित की हैं जिनके संबंध में अप्रार्थीगण का कथन है कि कोलायत क्षेत्र में अप्रार्थीगण के अधीन कार्यरत श्रमिकों को निर्धारित वेतन दिया जाता है तथा समय समय पर न्यूनतम वेतन में जो वृद्धि होती है। उसका लाभ भी श्रमिकों को दिया जाता है। खदानों में नियोजित तीन श्रेणियों के श्रमिक हैं, अकुशल, अर्द्ध कुशल व कुशल जिसके अनुरूप निर्धारित वेतन उन्हें दिया जाता है। अप्रार्थी नियोजकों की आर्थिक स्थिति अच्छी नहीं है तथा उक्त क्षेत्र में नियोजित बेलदार आदि को राज्य सरकार द्वारा निर्धारित वेतन दिया जाता है जबकि श्रमिकगण को केन्द्र सरकार द्वारा वेतन निर्धारित किया जाता है। अतः वेतन श्रृंखला निर्धारित करने व 10 प्रतिशत वेतन वृद्धि की दर से वार्षिक वेतन वृद्धि की मांग अव्यवहारिक है।

5. राष्ट्रीय सवैतनिक अवकाशों की मांग को भी अनुचित

बताते हुए जवाब में कथन किया है कि श्रमिकों को खान अधिनियम 1952 के प्रावधानों के अन्तर्गत सवैतनिक अवकाश का लाभ दिया जाता है। विशेष कथन में अप्रार्थीगण का जवाब है कि प्रार्थी यूनियन श्रमिकों की अधिकृत व प्रतिनिधि यूनियन नहीं है तथा अप्रार्थीगण विषम आर्थिक स्थिति में हैं व कोलायत क्षेत्र में प्रचलित वेतन दरों के अनुरूप अथवा उससे अधिक श्रमिकगण वेतन प्राप्त कर रहे हैं, खदानों में श्रमिकों का नियोजन लगातार नहीं रहता है, वर्ष में लगभग चार माह खदानें बंद रहती हैं, अतः वेतन वृद्धि का कोई औचित्य नहीं है न ही सवैतनिक अवकाशों की मांग उचित है, अतः क्लेम खारिज किये जाने का प्रार्थना सभी अप्रार्थीगण की ओर से की गई है।

6. अप्रार्थी सं. 20 की तामील नहीं हुई, इसके लिए प्रार्थी ने किसी प्रकार का प्रयास नहीं किया इसलिए अप्रार्थी सं. 20 के विरुद्ध वाद दिनांक 28-1-2005 के आदेश द्वारा खारिज कर दिया गया। शेष विपक्षीगण अपने जवाब पेश करने के पश्चात साक्ष्य की स्टेज पर अनुपस्थित हो गये, उनके विरुद्ध एकपक्षीय कार्यवाही की गई। प्रार्थी यूनियन ने अपनी साक्ष्य में एकमात्र साक्षी सुशील कुमार सिंह का शपथ पत्र पेश किया है और किसी तरह की कोई दस्तावेजी साक्ष्य पेश नहीं की। साक्ष्य के पश्चात प्रार्थी की ओर से भी कोई उपस्थित नहीं आया इसलिए दोनों ही पक्ष की बहस नहीं सुनी जा सकी, पत्रावली का ध्यानपूर्वक अवलोकन किया।

7. समुचित सरकार द्वारा जो विवाद न्याय निर्णय के लिए प्रेषित किया गया है, उसमें मांग पत्र की दो ही मांगों के बारे में विवाद प्रेषित किया गया है। पहली मांग यह है कि खान मजदूरों को उनके काम के अनुसार कैटेगरीवाइज नियमित वेतन श्रृंखला दी जावे जिस वेतन श्रृंखला में 10 प्रतिशत वार्षिक वेतन की वृद्धि की जावे। दूसरी मांग उनकी यह है कि खान मजदूरों को जो बीकानेर जिले की कोलायत क्षेत्र में कार्यरत हैं, 12 राष्ट्रीय/त्यौहारों की वार्षिक छुट्टियां दी जावें।

8. इन दोनों ही मांगों की औचित्यता को प्रार्थी यूनियन को अपनी साक्ष्य से प्रमाणित करना था। प्रार्थी की ओर से एक मात्र शपथ पत्र श्री सुशील कुमार सिंह का पेश हुआ है जिसमें वर्णित किया गया है कि उन्होंने 21 सूत्रीय मांग पत्र प्रस्तुत किया था, श्रमिकों को विभिन्न कार्य पदों के अनुसार वेतन 10 प्रतिशत वेतन के बराबर वार्षिक वेतन वृद्धि की मांग उचित एवं वैध है। वे कार्य के अनुरूप वेतन एवं 10 प्रतिशत वार्षिक वेतन वृद्धि की सुविधा प्राप्त करने के अधिकारी हैं तथा 12 सवैतनिक राष्ट्रीय एवं त्यौहारों की छुट्टियां प्राप्त करने के अधिकारी हैं। इसके अलावा शपथ पत्र में कुछ भी अंकित नहीं है। इन मांगों का औचित्य किस प्रकार है, कार्य के अनुसार कार्य का वर्गीकरण किस प्रकार है अथवा किया जा सकता है, और कौन से श्रमिक के लिए क्या वेतन श्रृंखला दी जावे और क्या ऐसी वेतन श्रृंखला अन्य किसी ऐसे खान मजदूरों को भारतवर्ष में कहीं भी दी जाती रही है और दी जा रही है तो वह वेतन श्रृंखला क्या है तथा उसमें वार्षिक वेतन वृद्धि किस दर से की जा रही है, कुछ भी नहीं बताया है। मात्र यह कह देना कि मांग उचित है, पर्याप्त नहीं है। उचितता का आधार बताया जाना आवश्यक है। इसी प्रकार 12 राष्ट्रीय एवं त्यौहारों का अवकाश प्राप्त करने के अधिकारी होना तो कहा है लेकिन ये अवकाश कौन-कौन से हैं, इनमें से कौन-कौन से अवकाश दिये जा रहे हैं, कौनसे नहीं दिये जा रहे हैं, शपथ पत्र में कुछ भी अंकित नहीं है। ऐसे अस्पष्ट व वेग शपथ पत्र के आधार पर

मांग की औचित्यता नहीं मानी जा सकती। प्रार्थी अपनी दोनों ही मांगों के बारे में उनकी उचितता को साबित करने में सफल नहीं रहे हैं, अतः प्रार्थी का क्लेम खारिज किये जाने योग्य है और प्रकरण में निम्न अर्वाई पारित किया जाता है :

“क्ले माइन्स के विभिन्न नियोजकों के यहां कार्यरत श्रमिकगण की कैटेगरीवाइज वेतन श्रृंखला दिये जाने व वेतन के 10 प्रतिशत के बराबर वार्षिक वेतन वृद्धि दिये जाने की मांग करना एवं 12 सवैतनिक राष्ट्रीय/त्यौहारों के अवकाश की मांग करना उचित एवं वैध नहीं है। श्रमिकगण किसी राहत के अधिकारी नहीं हैं।”

9. अर्वाई आज दिनांक 27-9-2005 को खुले न्यायालय में लिखाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

पी. एल. हिस्सारिया, पीठासीन अधिकारी

नई दिल्ली, 8 दिसम्बर, 2005

का. आ. 56. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिनरल एक्सप्लोरेशन कार्पो. लि० के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 39/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2005 को प्राप्त हुआ था।

[सं. एल-29012/16/90-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 8th December, 2005

S.O. 56. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.39/90) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Mineral Exploration Corpn. Ltd. and their workman, which was received by the Central Government on 8-12-2005.

[No. L-29012/16/90-IR (M)]

B. M. DAVID, Under Secy.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं० सी.आई.टी. 39/90

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक

एल. 29012/16/90/आई. आर. (विविध) दि. 15-6-90

जगदीश प्रसाद सैनी पुत्र श्री सांवत राम सैनी आयु 27 वर्ष निवासी ग्राम गोठड़ा बाड की ढाणी पोस्ट खेतड़ी नगर जिला झुंझनू।

—प्रार्थी

बनाम

1. मैसर्स मिनरल एक्सप्लोरेशन कार्पोरेशन लि० जरिये मैनेजिंग डायरेक्टर, सैमिनरी हिल्स नागपुर (महाराष्ट्र)
2. एरिया मैनेजर, मैसर्स मिनरल एक्सप्लोरेशन कार्पोरेशन लि०, 12-बी, तख्तेशाही रोड, जयपुर।

—अप्रार्थीगण

उपस्थित

पीठासीन अधिकारी : श्री पी.एल. हिस्सारिया, आर.एच.जे.एस.

प्रार्थी की ओर से : श्री जे. के. अग्रवाल

अप्रार्थी की ओर से : श्री मनोज शर्मा

दिनांक अर्वाई : 15-9-2005

अर्वाई

1. केन्द्र सरकार, श्रम विभाग, नई दिल्ली द्वारा उनके उपरोक्त आदेश एवं आदेश दिनांक 17-2-2005 के द्वारा निम्न संशोधित विवाद इस अधिकरण को अधिनिर्णय हेतु प्रेषित किया है :

“whether the action of the management of Mineral Exploration Corporation Ltd., Jaipur in terminating the services of Sh. Jagdish Prasad Saini S/o Sh. Sawant Ram contingent workmen w.e.f. 1-9-86 in justified. If not what relief the workman is entitled to.?”

2. प्रार्थी ने अपने विवाद के समर्थन में स्टेटमेंट ऑफ क्लेम पेश किया है जिसके अनुसार प्रार्थी की नियुक्ति विपक्षी संस्थान में 11-10-82 को माइनर के पद पर खेतड़ी माइन्स डेवेलपमेंट प्रोजेक्ट पर हुई थी। दिनांक 10-3-86 को कार्य के दौरान कार्य करते समय प्रार्थी दुर्घटनाग्रस्त हो गया जिसके कारण लम्बे समय तक इलाज करना पड़ा और उसके कारण 11-11-86 को जयपुर के सवाई मानसिंह अस्पताल के डाक्टरों ने फिट घोषित कर छुट्टी दे दी और प्रार्थी उस दिन संस्थान में ड्यूटी जोइन करने गया जो संस्थान के अधिकारियों द्वारा उसे काम पर नहीं लिया गया और बताया कि उसकी सेवा समाप्त कर दी गई है। सेवा समाप्ति से पूर्व अप्रार्थी ने न तो कोई नोटिस दिया न ही

छंटनी का मुआवजा दिया गया। सेवा समाप्ति से पूर्व कोई वरिष्ठता सूची भी नहीं बनाई गई, प्रार्थी को सेवा समाप्ति के पश्चात् प्रार्थी से कनिष्ठ व्यक्तियों विपक्षी संस्थान में कार्यरत थे किन्तु औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे अधिनियम लिखा जा रहा है) की धारा 25 एन का पालना नहीं किया गया। प्रार्थी की सेवा समाप्ति के बाद विपक्षी संस्थान के डाइनमो ड्रिलिंग प्रोजेक्ट बनवास कैम्प सिंघाना पर नया कार्य चालू किया गया। उक्त प्रोजेक्ट में नई नियुक्तियां करने से पूर्व प्रार्थी श्रमिक की सूचना देनी चाहिये थी जो नहीं दी गई। खेतड़ी में भी अप्रार्थी का कार्य चालू है जिसपर विपक्षी के 125 श्रमिक कार्यरत हैं और श्रमिक से कनिष्ठ श्रमिक भी इस स्थल पर कार्यरत हैं। कार्पोरेशन का कार्य बंद नहीं हुआ है, एक स्थान पर कार्य बंद हो जाने से क्लोजर नहीं कहा जा सकता, दूसरे स्थान पर श्रमिक को समायोजित (एडजस्ट) किया जा सकता है। सेवा मुक्ति इसलिए भी प्राकृतिक न्याय सिद्धांतों के विपरीत है और प्रार्थी सेवा मुक्ति के दिन से ही बेरोजगार है। प्रार्थी की प्रार्थना है कि प्रार्थी की सेवा मुक्ति को अनुचित व अवैध घोषित किया जाकर पिछले समस्त वेतन व अन्य लाभ सहित उसे सेवा में बहाल किये जाने का अवार्ड पारित किया जाये।

3. अप्रार्थी ने क्लेम का जवाब प्रस्तुत कर प्रारंभिक आपत्ति की है कि विपक्षी सं० 1 से विवाद का कोई सहोकार नहीं है उसे गलत पक्षकार बनाया गया है, यह एक सरकारी कम्पनी है इसके अलग-अलग प्रोजेक्ट वर्क समय-समय पर संविदा के अनुसार भारत में फैली विभिन्न परियोजनाओं द्वारा किया जाता है, ये स्वतंत्र औद्योगिक इकाइयां हैं, प्रोजेक्ट का नियोजक संबंधित इकाई का समय-समय पर अलग-अलग होता है। विपक्षी सं० 1 जो प्रोजेक्ट अप्रूव करता है उसको चलाने का सारा जिम्मा संबंधित नियोजकों का होता है और वे उस कार्य को चलाने के लिए स्वयं की श्रमिक नियोजित करते हैं जिन्हें आकस्मिक श्रमिक कहा जाता है। विवाद में संबंधित नियोजक परियोजन प्रबन्धक खेतड़ी को पक्षकार नहीं बनाया गया है, अप्रार्थी सं० 1 द्वारा सेवा मुक्ति करना जो कहा गया है वह गलत है। वास्तव में प्रार्थी का नियोजन 11-9-88 तक खेतड़ी ड्रिलिंग परियोजना द्वितीय में था जहां उसे 11-7-88 को नियोजित किया गया था और प्रार्थी ने कुल दो माह तक ही वहां कार्य किया था। इस आधार पर प्रार्थी का क्लेम निरस्तनीय बताया गया है।

4. गुणावगुण पर अप्रार्थी का जवाब है कि प्रार्थी एक स्वतंत्र परियोजन खेतड़ी माइन डवलपमेंट प्रोजेक्ट खेतड़ी में वर्ष 1982 में बतौर आकस्मिक श्रमिक नियुक्त किया गया था, प्रार्थी को छंटनी उसके संबंधित नियोजक प्रोजेक्ट मैनेजर खेतड़ी माइन डवलपमेंट प्रोजेक्ट खेतड़ी नगर द्वारा प्रोजेक्ट बंद करने की विधिवत अनुमति केन्द्र सरकार से लेने के बाद की गई थी। उक्त प्रोजेक्ट में प्रार्थी ने बतौर अनियत श्रमिक ने कुल दो माह कार्य किया और कार्य न होने के कारण 12-9-88 से उसे काम नहीं दिया गया, वरिष्ठता सूची का अनियत श्रमिक के मामले में कोई प्रश्न ही नहीं है। संबंधित नियोजक ही श्रमिक को नियुक्ति करने में सक्षम है किसी भी प्रोजेक्ट में किसी भी श्रमिक को एडजस्ट नहीं किया जा सकता। अनियत श्रमिक का नियोजन के संबंध में कोई अधिकार नहीं होता, अतः सेवा मुक्ति श्रमिक की नहीं की जाकर उसे आगे काम नहीं दिया गया है जो औद्योगिक विवाद की

परिभाषा में नहीं आता, अतः प्रार्थी का क्लेम खारिज किये जाने की प्रार्थना की गई है।

5. प्रार्थी की ओर से जगदीश प्रसाद सैनी श्रमिक स्वयं का शपथ पत्र पेश किया गया है जिससे अप्रार्थी के विद्वान प्रतिनिधि ने जिरह की है। प्रार्थी ने प्रदर्श-1 लगायत 8 से कुल आठ दस्तावेज प्रदर्श कराये हैं। अप्रार्थी की ओर से श्री रामप्यारे का शपथ-पत्र प्रस्तुत हुआ है जिससे प्रार्थी के विद्वान प्रतिनिधि ने जिरह की है और अप्रार्थी ने कोई दस्तावेज प्रदर्श नहीं कराया।

6. मैने दोनों पक्ष के विद्वान प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

7. प्रार्थी के विद्वान प्रतिनिधि का तर्क है कि प्रार्थी श्रमिक कार्य के दौरान दुर्घटनाग्रस्त हो गया जिसका इलाज चल रहा था और इलाज के दौरान कर्मचारी राज्य बीमा अधिनियम 1948 की धारा 73 के अनुसार किसी भी व्यक्ति की सेवा मुक्ति नहीं की जा सकती। वह दुर्घटना के कारण चिकित्सादत्त था यह तथ्य प्रार्थी द्वारा प्रस्तुत अप्रार्थी के स्वयं के दस्तावेज प्रदर्श डब्ल्यू-2 से साबित है। प्रदर्श डब्ल्यू-5 से भी प्रार्थी की नियुक्ति अप्रार्थी के मुख्यालय द्वारा दिया जाना प्रकट होता है, ऐसी सूरत में अप्रार्थी का यह कहना कि प्रार्थी उनके यहां कभी भी नियुक्त नहीं था और 1-9-86 को उसकी सेवा मुक्ति नहीं की गई पूर्णतया गलत है। प्रार्थी के शपथ-पत्र से यह तथ्य प्रकट है कि वह 11-10-82 से अप्रार्थी के यहां सेवारत था और वह कार्य के दौरान दुर्घटनाग्रस्त हो गया जिसे के.सी.सी. अस्पताल खेतड़ी से एस.एम.एस. अस्पताल जयपुर रेफर किया गया और अस्पताल से छुट्टी मिलने पर जब वह अप्रार्थी के कार्यालय में गया तो उसे सेवा मुक्ति किया जाना बताया जबकि प्रार्थी प्रत्येक वर्ष में 240 दिन से अधिक कार्य कर चुका था। उसे सेवा मुक्ति के समय न तो कोई नोटिस, नोटिस के एवज में वेतन व छंटनी का मुआवजा आदि नहीं दिया गया। यदि अप्रार्थी की कोई यूनिट बंद हो गई थी तब भी उसकी कम्पनी बंद नहीं हुई, कम्पनी की अन्य युनिट्स चालू हैं जहां उसे प्राथमिकता के आधार पर सेवा में लिया जाना चाहिये। प्रार्थी के विद्वान प्रतिनिधि का यह भी तर्क है कि अप्रार्थी के यहां लगभग 300 श्रमिक कार्यरत हैं इस कारण धारा 25-एन औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे अधिनियम लिखा जा रहा है) के प्रावधान लागू होते हैं और धारा 25-एन के अन्तर्गत प्रार्थी को न तो तीन माह का नोटिस दिया गया है न ही मुआवजा दिया गया है यहां तक कि धारा 25-एफ, जी व एच अधिनियम की पालना भी नहीं की गई है। अपने तर्कों के समर्थन में विद्वान प्रतिनिधि ने निम्न प्रोद्धरण प्रस्तुत किये हैं:

1. एस. एम. निलाजकर आदि बनाम टेलीकॉम डिस्ट्रिक्ट मैनेजर कर्नाटक 2003 लैब. आई. सी. 2273 (एस. सी.)
2. जी गोविन्दा राजल्लू बनाम दी आन्ध्र प्रदेश स्टेट कन्स्ट्रक्शन कार्पोरेशन आदि ए.आई. आर. 1987 (एस. सी.) 1801
3. लाल मोहम्मद बनाम इंडियन रेलवे कन्स्ट्रक्शन्स कम्पनी लि० 1999 (1) एल.एल. एन. 663 (एस. सी.)
4. गाजियाबाद डवलपमेंट अथॉरिटी आदि बनाम श्री विक्रम चौधरी जे.टी. 1995 (5) एस.सी. 636

5. सुप्रिन्टेंडिंग इंजीनियर उर्धवा पैनगंगा प्रोजेक्ट सर्किल आदि बनाम वाई.जैड. रास्ते आदि, 1997 (1) एल.एल. एन. 207 (बॉम्बे)।

8. इसके प्रतिकूल अप्रार्थी के विद्वान प्रतिनिधि का तर्क है कि श्रमिक उनके यहां कभी सेवारत नहीं रहा इसलिए 1-9-86 को सेवा समाप्त किये जाने का तर्क बिल्कुल गलत है। अपने क्लेम में श्रमिक ने सेवा समाप्ति 11-11-86 को बताई है जबकि रैफरेंस 1-9-86 का है इसलिए क्लेम रैफरेंस के अनुसार नहीं है और इसी कारण खारिज किये जाने योग्य है। प्रार्थी ने अपनी जिरह में स्वीकार किया है कि उसने आखिरी बार खेतड़ी ड्रिलिंग परियोजन द्वितीय के द्वारा काम दिया गया था जिसने उसे पक्षकार नहीं बनाया है। अप्रार्थी ने कभी उसे नियुक्त नहीं किया, अप्रार्थी को गलत पक्षकार बनाया गया है, इसलिए भी क्लेम खारिज किये जाने योग्य है। प्रार्थी का एक प्रोजेक्ट बंद हो जाने के कारण अन्य प्रोजेक्ट में श्रमिक काम मांगने का अधिकारी नहीं है। अपने तर्क के समर्थन में विद्वान प्रतिनिधि ने निम्न प्रोद्धरण प्रस्तुत किये हैं:

- (1) एम.डी. यू.पी. लैण्ड डेवेलपमेंट कॉर्पोरेशन आदि बनाम अमर सिंह आदि (2003) 5 एस.सी.सी. 388
- (2) सुरेन्द्र कुमार शर्मा बनाम विकास अधिकारी आदि 2003 एल.एल. आर. 625
- (3) हिन्दुस्तान स्टील वर्क्स कन्स्ट्रक्शन लि० आदि बनाम हिन्दुस्तान स्टील वर्क्स कन्स्ट्रक्शन लि० ऐम्पलाईज यूनियन हैदराबाद (1995) 3 एस.सी.सी. 474

9. मैंने दोनों पक्ष के विद्वान प्रतिनिधिगण द्वारा प्रस्तुत तर्कों पर गंभीरता से विचार किया, प्रस्तुत प्रोद्धरणों को आदर सहित पढ़ा।

10. विवाद के अनुसार प्रार्थी श्रमिक को 1-9-86 को सेवामुक्त किया गया जिसकी औचित्यता व वैधता को देखा जाना है। प्रार्थी ने अपने क्लेम में 11-10-82 से अप्रार्थी के यहां नियुक्त होना कहा है और उसी के अनुकूल अपना शपथ-पत्र पेश किया है जबकि अप्रार्थी का जवाब है

उनके यहां कभी नियुक्ति ही नहीं दी गई और 1-9-86 को सेवा मुक्त करने का प्रश्न ही नहीं है। प्रार्थी श्रमिक को अन्य संस्थान में नियुक्ति दी गई है जहां 11-9-88 को सेवा मुक्त किया गया है और उस संस्थान को प्रार्थी ने पक्षकार नहीं बनाया है। इस संबंध में प्रार्थी ने अपना शपथ पत्र पेश किया है जिसमें 11-10-82 को प्रथम नियुक्ति अप्रार्थी द्वारा देना कहा है जिसके संबंध में दस्तावेज प्रदर्श डब्ल्यू -1 से डब्ल्यू -8 प्रदर्श कराये हैं। उसने अप्रार्थी का सेवा मुक्ति आदेश भी पेश किया है जो दिनांक 13-8-86 का है जिसमें अप्रार्थी को नाम क्रम सं० 59 पर अंकित है और उसे दिनांक 1-9-86 से सेवा मुक्त किया जाना अंकित किया गया है। जबकि प्रार्थी उस समय कार्य के दौरान दुर्घटनाग्रस्त होने से अस्पताल में था और अस्पताल से जब वह वापस आया तब उसे पता चला कि उसे सेवामुक्त कर दिया गया है, उसे कार्य पर नहीं रखा गया। इस कारण अप्रार्थी का यह कथन भी कि प्रार्थी उनके यहां कभी नियुक्त ही नहीं था, दो माह के लिए 11-9-88 तक अन्य परियोजना में

नियुक्त किया गया था, बिल्कुल गलत है। प्रार्थी ने अपनी जिरह में स्वीकार किया है कि अंतिम समय में उसे 11-9-88 तक अन्यत्र नौकरी की थी लेकिन वह इस सेवा मुक्ति के बाद की है इसलिए जिरह में उसके इस कथन से भी कोई अन्तर नहीं पड़ता।

11. अप्रार्थी का यह कथन भी मानने योग्य नहीं है कि अपने क्लेम में सेवा मुक्ति तिथि 11-11-86 बताई है क्योंकि क्लेम में उसने मात्र यह अंकित किया है कि दुर्घटना के पश्चात् अस्पताल से जब वह 11-11-86 को काम पर गया तो उसे बताया कि उसे सेवा मुक्त कर दिया गया है और काम पर नहीं लिया गया जिसका दस्तावेज भी पेश किया हुआ है जो अप्रार्थी का स्वयं का जारी किया हुआ है जिसके अनुसार प्रार्थी श्रमिक को 1-9-86 से सेवा मुक्त किया जाना अंकित है। ऐसे में अप्रार्थी के विद्वान प्रतिनिधि का यह तर्क भी क्लेम रैफरेंस के अनुसार सही नहीं है, गलत है। उनका यह तर्क भी स्वीकार किये जाने योग्य नहीं है कि परियोजना प्रबन्धक खेतड़ी ड्रिलिंग परियोजन द्वितीय को पक्षकार नहीं बनाया, क्योंकि इसकी आवश्यकता नहीं थी। अप्रार्थी के विद्वान प्रतिनिधि का यह तर्क भी स्वीकार किये जाने योग्य नहीं है कि अप्रार्थी उनके यहां कभी कार्यरत नहीं रहा इसलिए उनके विरुद्ध गलत क्लेम पेश किया है और गलत पक्षकार बनाया है जबकि प्रार्थी द्वारा प्रस्तुत दस्तावेज डब्ल्यू -5 एवं अन्य दस्तावेज प्रदर्श डब्ल्यू-1 से 8 से स्पष्ट जाहिर होता है कि प्रार्थी श्रमिक अप्रार्थी के यहां कार्यरत था और उसे 1-9-86 को गलत तौर पर बिना नोटिस व मुआवजे के सेवा मुक्त किया गया है, ऐसे में अप्रार्थी के द्वारा प्रस्तुत सभी प्रोद्धरण, जिनको मैंने आदर सहित पढ़ा है, भिन्न तथ्यों पर आधारित होने से उनमें प्रतिपादित सिद्धान्तों से अप्रार्थी को कोई लाभ नहीं पहुंचता प्रार्थी द्वारा प्रस्तुत प्रोद्धरणों में प्रतिपादित सिद्धान्त के अनुसार प्रार्थी श्रमिक को बिना कोई नोटिस दिये बिना कोई मुआवजा दिये सेवा मुक्त किया गया है, अन्य परियोजना में भी उसकी नियुक्ति में कोई प्राथमिकता नहीं दी और धारा 25-एफ, जी व एच/ व 25-एन अधिनियम की पालना नहीं की है। ऐसी सूरत में अप्रार्थी द्वारा प्रार्थी श्रमिक की की गई छंटनी पूर्णतया अवैध है विशेषकर कर्मचारी राज्य बोमा अधिनियम की धारा 73 के अनुसार किसी दुर्घटनाग्रस्त श्रमिक को इलाज के दौरान सेवा मुक्ति को वैध व प्रभावी नहीं माना जा सकता।

12. उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवार्ड पारित किया जाता है:

“अप्रार्थी मिनरल एक्सप्लोरेशन कॉर्पोरेशन लि० जयपुर के प्रबन्धतंत्र द्वारा प्रार्थी श्रमिक जगदीश प्रसाद सैनी को 1-9-86 से सेवा मुक्ति किया जाना उचित एवं वैध नहीं है, उक्त आदेश अपास्त किया जाता है। श्रमिक इसके फलस्वरूप पिछले समस्त वेतन व अन्य लाभ सहित सेवा में पुनः बहाल होने का अधिकारी है।”

13. अवार्ड आज दिनांक 15-9-2005 के खुले न्यायालय में लिखाया जाकर सुनाया गया। अवार्ड की प्रति केन्द्र सरकार को नियमानुसार प्रकाशनार्थ भेजी जावे।

पी.एल. हिस्सारिया, पीठासीन अधिकारी

नई दिल्ली, 8 दिसम्बर, 2005

AWARD

का. आ. 57.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिनेरल एंड मेटल ट्रेडिंग कार्पो. (इ) लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 34/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2005 को प्राप्त हुआ था।

[सं. एल-42012/5/96-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 8th December, 2005

S.O. 57.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mineral and Metal Trading Corpn. (I) Ltd. and their workman, which was received by the Central Government on 08-12-2005.

[No. L-42012/5/96-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

INDUSTRIAL TRIBUNAL : BHUBANESWAR

Present :

Shri M. S. Hossain, OSJS (Sr. Branch),
Presiding Officer, Industrial Tribunal,
Bhubanaswar

INDUSTRIAL DISPUTE CASE NO. 34
OF 1996 (CENTRAL)

Dated, Bhubaneswar, the 16th November, 2005.

Between

The Management of M/s. Mineral & Metals
Trading Corporation India Ltd.,
Alok Bharati Bhawan, 7th Floor,
New Capital, Bhubaneswar.

...First Party
management.

(And)

Their workman Sri Gopinath Panda,
Qrs. No. 11, R/74, Nua Bazar,
Paradip, Dist : Jagatsinghpur.

...Second Party-
workman.

Appearances :

Sri M. S. Jena, Manager (Law) — For the First Party
management.

Sri B. B. Subudhi, Working — For the Second Party
President of Paradip Port workman.
and Dock Labour Union.

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication *vide* their Order No. 42012/5/95-IR (Misc.) dtd.-19-9-96 :—

“Whether the action of the Management of M.M.T.C. Ltd., paradip, Dist : Jagatsinghpur, Orissa in terminating the services of Shri Gopinath Panda, Labourer w.e.f. 1-4-93 and not giving him enhanced wage, bonus and overtime allowance due to him is legal and justified? If not, to what relief the workman is entitled to?”

2. The brief fact of the second party—workman's case is that he was engaged as a labourer for picking-up foreign materials and clearing spillages at ship's deck since 9-5-81 under the control of the management in their Paradip region at Paradip. Initially he was being paid on hourly basis up to the end of June '86. Then the management took a decision that the workman would be paid daily wages @ Rs. 22.50 paise at par with the casual labourers engaged by the Paradip Port Trust, a nearest industrial concern to which the M.M.T.C. Management was associated with their profession on the basis of 'equal pay for equal work'. It is averred that his representation personally to regularise him in service went in vain. The General Manager wrote a letter to the Chief General Manager for approval and sympathetic consideration of his case but in spite of the aforesaid letter nothing has happened. The workman filed O.J.C. No. 8708 of 1992 against the management. In Misc. case No. 182 of 1993 arose out of the O.J.C. No. 8708 of 1992, the Hon'ble Court by an order dated 14-1-93 directed that the workman should continue to be engaged as a daily wage worker but the management disengaged him from 1-4-93. He was in continuous service from 1981 till 1-4-93 and while disengaging him the mandatory provisions of the Industrial Dispute Act had not been complied with. The said O.J.C. No. 8708 of 1992 was disposed of by the Hon'ble Court on 15-3-95 directing the workman to approach the proper forum for adjudication. A conciliation proceeding was started. The Government, after conciliation having failed, referred the dispute to this Tribunal for adjudication. It is stated that to a letter of Mr. Pravat Kumar Samantaray, a Member of Parliament, the management had intimated the continuance of the workman as a casual labourer.

3. The management has filed its counter disputing the claim of the workman. According to it, the workman was engaged as a casual labourer in the Corporation on need basis and his services were terminated as there was no work left for him. While continuing so, due to negligence the management had to pay damages to the foreign company to the tune of 20,669 US dollars within a span of ten months. He was never in continuous service from

9-4-81 till 1-4-93. It is avered that to improve the quality of iron ore which are exported from India to foreign countries with stiff competitions and therefore, required to maintain its standard for which the first party management had to spend huge amount of money and mechanical processing of cleaning of foreign materials from iron ore so as to complete with other foreign countries. For the said purpose it had withdrawn all such casual labourers because of mechanisation of the process. The management denied that the workman was engaged by the management since 9-4-81.

4. The following issues were framed on the basis of the pleadings of the parties:—

ISSUES

(1) Whether the action of the management of MMTC Ltd., Paradip, Dist : Jagatsinghpur, Orissa in terminating the services of Sri Gopinath Panda, labourer w.e.f. 1-4-93 and not giving him enhanced wages, bonus and overtime allowances due to him is legal and justified ?

(2) To what relief, if any the workman is entitled ?

5. Both parties laid oral and documentary evidence in support of their respective cases. This tribunal after appreciating the evidence on record has given a finding of fact that the termination of the workman was illegal and the case of the employer had no merit and directed reinstatement of the workman with full back wages. Aggrieved by the said order, the employer filed O.J.C. No. 4229 of 1999 before the Hon'ble Court, which was disposed of on 20-4-2005 with the observations noted below:—

"In view of the aforesaid facts and circumstances I have no hesitation to set aside the award and remit the matter back to the Tribunal for fresh disposal. On the said date on production of the certified copy of this order the Tribunal shall fix the date for hearing of the case and dispose of the same as expeditiously as possible, preferably within a period of six months. As the matter has been remitted back liberty is given to the parties to adduce further evidence, if they are so advise."

On the basis of the aforesaid observation, liberty was given to the parties to adduce further evidence, if any. W.W. No.1 was recalled, examined further and cross-examined. Documents filed by the workman were marked as Exts. 3,4,4/1 to 4/87, 5, 5/1 to 5/17. M.W. No. 2 was examined for the management and Ext. A was marked.

6. The workman has admitted that no appointment order was given to him. It is also admitted that he was not required to sign any attendance register. The workman had asserted that he completed 240 days which was denied by the management. At this stage, it is useful to quote the reported judgment in the cases of Range Forest Officer Vs. S.T. Hadimani, reported in 2001 (1) CLR 922 & Deputy

Executive Engineer, I & P.R.C. Department, Vijayawada and another Vs. Padamati Balaramiah and another, reported in 2003 (2) LLJ 396, wherein principle has been laid down that the workman, who asserted that he completed 240 days, which was denied by the management, has a responsibility and burden to prove that he had in fact, worked for 240 days in a year proceeding twelve calendar months from the date of termination of his service. Paragraph 10 of the judgment in the case of Union of India through Divisional Railway Manager, Mumbai Vs. Jairaj N. Shetty, reported in 2003 (3) CLR 374 reads thus:—

"10. The rulings of the Apex Court referred to above would disclose that merely because a temporary employee working on daily wages is engaged on the need basis, he does not acquire a right to claim relief in terms of Section 25 (f) of the said Act. The burden of proving the fact that the employee has rendered services for 240 days in a year lies upon employee when such claim is denied by the employer. The completion of 240 days has to be in the year preceding the termination of the employee to avail the benefit under section 25 (f) read with section 25(b) of the said Act. For the purpose of commutation of period of 240 days in a year. It is not necessary for the employee to be in service of the employer for the whole one year and secondly that the period of 240 days may not be a period of continuous 240 days and it is sufficient if total number of 240 day is calculated with reference to a period of twelve months. In other words, an employee should render service for total number of any 240 days in a period of continuous 365 days."

7. It is now to be seen whether the workman had discharged the burden of establishing that he worked for 240 days in a preceding year of his disengagement. In the evidence the workman has stated that he was engaged by the M.M.T.C. since 9-4-81 for clearing of deck and collection of foreign materials. He has further stated that initially he was being paid on hourly basis @ Rs.1.75 paise per hour which continued up to July '87. From July '87 as per rates prevailing at the Port he got Rs. 22.50 paise as per the agreement. On 31-3-93 the gatepass issued to him was expired and the same was not renewed. In cross-examination he has stated that the rate of wages paid to them was mentioned in Ext.2. He was frank enough to admit that there was no mention in Ext. 2 that they would be eligible to the said rate of wages at par with the employees of the Port Trusts. In his evidence he has admitted that when there was no job they were assigned the job of messenger and engaged in different works at different times. The workman has admitted that they were receiving Rs.22.50. paise on daily wage basis for days work. He has filed xerox copies of the bills marked as Exts.4,4/1 to 4/87. For his working during the period from 1-4-92 to 31-3-93, the following bills have

been produced (Exts., 4 and 4/1 to 4/7) which disclose the working days as follows:—

April, 1992	:	28 days
May, 1992	:	30 days
June, 1992	:	28 days
July, 1992	:	29 days
August, 1992	:	29 days
September, 1992	:	28 days
October, 1992	:	30 days
November, 1992	:	29 days.

The second party-workman has not filed the bills for the rest period i.e., till the date of his disengagement. His case is that the management had not granted bills after institution of the writ petition in O.J.C.No.8708 of 1992. Not a single paper was produced indicating that the workman had at any point of time challenged the action of the management on this score. It is clear from the evidence of the workman that he was disengaged from 1st April, 1993 and in the year preceding the disengagement i.e., the year counted from 1-4-93 backwards i.e., till 1-4-92 the workman has worked only for 231 days.

8. Section 25-B of the Industrial Disputes Act, 1947 defines 'continuous service'. The relevant portions of Section 25-B is extracted below:—

- “(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause(1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—
- (a) for a period of one year, if the workman, during a period of twelve calendar months, preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
- (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
- (ii) two hundred and forty days, in any other case;
- (b) for a period of six months, if the workman during a period of six calendar months preceding the date with reference to

which calculation is to be made, has actually worked under the employer for not less than—

- (i) ninety-five days, in the case of a workman employed below ground in a mine; and
- (ii) one hundred and twenty days, in any other case.”

A plain reading of Section 25-B sub-clause (2) (a) of the Act makes it clear that the workman shall be deemed to be in continuous service if he has worked for 240 days during a period of twelve calendar months, preceding the date with reference to which the calculation is to be made, the workman has worked. Thus, the relevant period for entitlement of the benefit of Section 25-B is the period of one year preceding the date of disengagement, as said.

9. M.W. No.1, Sri Niranjan Kumar/Rout, Manager examined on behalf of the management, has said that “till 1984 we had engaged contractors for lifting of materials. Thereafter we engaged casual labourers on hourly wage basis. The work of cleaning of materials was occasional and it was not regular. The labourers are to get their remuneration everyday. From 1987 we paid the workers on daily wage basis.” In cross-examination he has denied the suggestion that the workman was engaged by the M.M.T.C. from 1981 till 1993 continuously. Learned authousised representative for the workman has failed to demonstrate anything which may discredit the statement given by M.W.No.1 on oath.

M.W. No.2, Sri Sashibhusan Sethy is the Manager (Personnel & Administration), M.M.T.C. In his evidence he has stated that “the workman Gopinath Panda was not recruited in regular process. He was working as a casual labourer. He is working since 1984. They were being engaged in the work as per the requirement. They were doing different works at different times. He never worked for a continuous period of 240 days in a particular post. There is no sanctioned post for deck cleaning and removal of spillage in M.M.T.C. We used to get the above works done through casual labourers.” His statement is consistent with the case of the management. I found no reason to disbelieve the statement of M.W.2.

10. The evidence on record makes it abundantly clear that the workman was engaged as a casual labourer on hourly wage basis and he received remuneration everyday on daily wage basis from 1987. The workman was engaged in other jobs when there was no regular job available. Considering the evidence, discussed above, I am of the view that the workman has failed to discharge the burden by establishing that he worked for the required number of days continuously in a preceding year of his disengagement.

11. The workman has claimed enhanced wages, bonus and overtime allowance. In the case reported in AIR 2003 S.C. 2658 (State of Haryana and another, Appellants

vrs. Tilak Raj and others, Respondents), it has been observed that—Equal pay for equal work—Claim by daily wagers in comparison with regular and permanent staff—Not tenable—Since daily wager holds no post—And scale of pay is attached to definite post—State, however, has to ensure that minimum wages are prescribed for such worker and same is paid to them.

From the materials available on record, it is clear that the workman was a daily wager. He held no post. In view of the principles laid down above, he is not entitled to claim equal pay and allowances with the regular and permanent staff.

12. In view of my discussions made above on Issue No. I, the reference is answered in the following manner :—

The action of the first party—management in terminating the services of the second party—workman w.e.f. 1-4-93 and not giving him enhanced wage, bonus and overtime allowances is legal and justified as well and consequently he is not entitled to any relief.

S.K. JAN HOSSAIN, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2005

का. आ. 58—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स मिनरल एंड मेटल ट्रेडिंग कार्पो. (इ.) लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 35/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2005 को प्राप्त हुआ था।

[सं. एल-42012/6/96-आई.आर. (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 8th December, 2005

S.O. 58—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mineral and Metal Trading Corpn. (I) Ltd. and their workman, which was received by the Central Government on 08-12-2005.

[No. L-42012/6/96-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

INDUSTRIAL TRIBUNAL : BHUBANESWAR

PRESENT :

S.K. Jan Hossain, OSJS (Sr. Branch),
Presiding Officer, Industrial Tribunal,
Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 35 OF 1996 (CENTRAL)

Dated, Bhubaneswar, the 16th November, 2005.

BETWEEN :

The Management of M/s. Mineral & Metals
Trading Corporation India Ltd.,
Alok Bharati Bhawan, 7th Floor,
New Capital, Bhubaneswar. ...First party—management.

AND

Their workman Sri Kailash Ch. Patnaik,
Badapadia, Paradip. ...Second party—workman.

APPEARANCES :

Sri M. S. Jena, Manager (Law) — For the First party
management.

Sri B. B. Subudhi, Working — For the Second party
President of Paradip Port workman.
and Dock Labour Union.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their order No. L-42012/6/96-IR (Misc.) dtd. 17-9-96 :—

“Whether the action of the Management of M.M.T.C. Ltd., Paradip, Dist : Jagatsinghpur, Orissa in terminating the services of Shri Kailash Chandra Patnaik, Labourer with effect from 1-4-93 and in not giving his enhanced wage, bonus and overtime allowance due to him is legal and justified? If not, to what relief the workman is entitled to?”

2. The brief fact of the second party-workman's case is that he was engaged as a labourer for picking-up foreign materials and clearing spillages at ship's deck since 9-5-81 under the control of the management in their Paradip region at Paradip. Initially he was being paid on hourly basis up to the end of June '86. Then the management took a decision that the workman would be paid daily wages @ Rs. 22.50 paise at par with the casual labourers engaged by the Paradip Port Trust, a nearest industrial concern to which the M.M.T.C. management was associated with their profession on the basis of 'equal pay for equal work'. It is averred that his representation personally to regularise him in service went in vain. The General Manager wrote a letter to the Chief General Manager for approval and sympathetic consideration of his case but in spite of the aforesaid letter nothing has happened. The workman filed O.J.C.No.8708 of 1992 against the management. In Misc. case No.182 of 1993 arose out of the O.J.C. No.8708 of 1992, the Hon'ble Court by an order dated 14-1-93 directed that the workman should continue to be engaged as a daily wage worker but the management disengaged him from 1-4-93. He was in

continuous service from 1981 till 1-4-93 and while disengaging him the mandatory provisions of the Industrial Dispute Act had not been complied with. The said O.J.C. No. 8708 of 1992 was disposed of by the Hon'ble Court on 15-3-95 directing the workman to approach the proper forum for adjudication. A conciliation proceeding was started. The Government, after conciliation having failed, referred the dispute to this Tribunal for adjudication. It is stated that to a letter of Mr. Pravat Kumar Samantaray, a Member of Parliament, the management had intimated the continuance of the workman as a casual labourer.

3. The management has filed its counter disputing the claim of the workman. According to it, the workman was engaged as a casual labourer in the Corporation on need basis and his services were terminated as there was no work left for him. While continuing so, due to negligence the management had to pay damages to the foreign company to the tune of 20,669 US dollars within a span of ten months. He was never in continuous service from 9-4-81 till 1-4-93. It is averred that to improve the quality of iron which are exported from India to foreign countries with stiff competitions and therefore, required to maintain its standard for which the first party—management had to spend huge amount of money and mechanical processing of cleaning of foreign materials from iron or so as to compete with other foreign countries. For the said purpose it had withdrawn all such casual labourers because of mechanisation of the process. The management denied that the workman was engaged by the management since 9-4-81.

4. The following issues were framed on the basis of the pleadings of the parties:—

ISSUES

- (1) Whether the action of the management of M.M.T.C. Ltd., Paradip, Dist : Jagatsinghpur, Orissa in terminating the services of Sri Kailash Ch. Patnaik, labourer with effect from 1-4-93 and in not giving enhanced wage, bonus and overtime allowances due him is legal and justified?
- (2) To what relief, the workman is entitled?

5. Both parties laid oral and documentary evidence in support of their respective cases. This Tribunal after appreciating the evidence on record has given a finding of fact that the termination of the workman was illegal and the case of the employer had no merit and directed reinstatement of the workman with full back wages. Aggrieved by the said order, the employer filed O.J.C. No. 4230 of 1999 before the Hon'ble Court, which was disposed of on 20-4-2005 with the observations noted below :—

“In view of the aforesaid facts and circumstances I have no hesitation to set aside the award and remit the matter back to the Tribunal for fresh disposal.

.....On the said date on production of the certified copy of this order the Tribunal shall fix the date for hearing to the case and dispose to the same as expeditiously as possible, preferably within a period of six months. As the matter has been remitted back, liberty is given to the parties to adduce further evidence, if they are so advised.”

On the basis of the aforesaid observation, liberty was given to the parties to adduce further evidence, if any. W.W. No. I was recalled, examined further and cross-examined. Documents filed by the workman were marked as Exts. 3, 4, 4/1 to 4/87, 5, 5/1 to 5/17. M.W. No. 2 was examined for the management and Ext. A was marked.

6. The workman has admitted that no appointment order was given to him. It is also admitted that he was not required to sign any attendance register. The workman has asserted that he completed 240 days which was denied by the management. At this stage, it is useful to quote the reported judgment in the cases of Range Forest Officer Vrs. S.T. Hadimani, reported in 2001 (1) CLR 922 & Deputy Executive Engineer, I & P, R.C. Department, Vijayawada and another Vrs. Padamati Balaramiah and another, reported in 2003 (2) LLJ 396, wherein principle has been laid down that the workman, who asserted that he completed 240 days, which was denied by the management, has a responsibility and burden to prove that he had in fact, worked for 240 days in a year preceeding twelve calendar months from the date of termination of his service. Paragraph 10 of the judgment in the case of Union of India through Divisional Railway Manager, Mumbai Vrs. Jairaj N. Shetty, reported in 2003 (3) CLR 374 reads thus :—

“10. The rulings of the Apex Court referred to above would disclose that merely because a temporary employee working on daily wages is engaged on the need basis, he does not acquire a right to claim relief in terms of Section 25 (f) of the said Act. The burden of proving the fact that the employee has rendered services for 240 days in a year lies upon employee when such claim is denied by the employer. The completion of 240 days has to be in the year preceeding the termination of the employee to avail the benefit under section 25 (f) read with section 25(b) of the said Act. For the purpose of computation of period of 240 days in a year. It is not necessary for the employee to be in service of the employer for the whole one year and secondly that the period of 240 days may not be a period of continuous 240 days and it is sufficient if total number of 240 day is calculated with reference to a period of twelve months. In other words, an employee should render service for total number of any 240 days in a period of continuous 365 days.”

7. It is now to be seen whether the workman had discharged the burden of establishing that he worked for 240 days in a preceding year of his disengagement. In the

evidence the workman has stated that he was engaged by the M.M.T.C. since 9-4-81 for clearing of deck and collection of foreign materials. He has further stated that initially he was being paid on hourly basis @ Rs.1.75 paise per hour which continued up to July '87. From July '87 as per rates prevailing at the Port he got Rs. 22.50 paise as per the agreement. On 31-3-93 the gate-pass issued to him was expired and the same was not renewed. In cross-examination he has stated that the rate of wages paid to them was mentioned in Ext.2. He was frank enough to admit that there was no mention in Ext. 2 that they would be eligible to the said rate of wages at par with the employees of the Port Trust. In his evidence he has admitted that when there was no job they were assigned the job of messenger and engaged in different works at different times. The workman has admitted that they were receiving Rs. 22.50. paise on daily wage basis for day's work. He has filed xerox copies of the bills marked as Exts.4,4/1 to 4/87. For his working during the period from 1-4-92 to 31-3-93, the following bills have been produced (Exts., 4 4/1 to 4/7) which disclose the working days as follows:—

April, 1992	:	28 days
May, 1992	:	30 days
June, 1992	:	28 days
July, 1992	:	29 days
August, 1992	:	29 days
September, 1992	:	28 days
October, 1992	:	30 days
November, 1992	:	29 days.

The second party-workman has not filed the bills for the rest period i.e., till the date of his disengagement. His case is that the management had not granted bills after institution of the writ petition in O.J.C. No. 8708 of 1992. Not a single paper was produced indicating that the workman had at any point of time challenged the action of the management on this score. It is clear from the evidence of the workman that he was disengaged from 1st April, 1993 and in the year preceding the disengagement i.e., the year counted from 1-4-93 backwards i.e., till 1-4-92 the workman has worked only for 231 days.

8. Section 25-B of the Industrial Disputes Act, 1947 defines 'continuous service'. The relevant portions of Section 25-B is extracted below :—

“(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—

(a) for a period of one year, if the workman, during a period of twelve calendar months, preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;

(b) for a period of six months, if the workman during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) ninety-five days, in the case of a workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case.”

A plain reading of Section 25-B sub-clause (2) (a) of the Act makes it clear that the workman shall be deemed to be in continuous service if he has worked for 240 days during a period of twelve calendar months, preceding the date with reference to which the calculation is to be made, the workman has worked. Thus, the relevant period for entitlement of the benefit of Section 25-B is the period of one year preceding the date of disengagement, as said.

9. M.W. No.1, Sri Niranjana Kumar Rout, Manager examined on behalf of the management, has said that “till 1984 we had engaged contractors for lifting of materials. Thereafter we engaged casual labourers on hourly wage basis. The work of cleaning of materials was occasional and it was not regular. The labourers are to get their remuneration everyday. From 1987 we paid the workers on daily wage basis.” In cross-examination he has denied the suggestion that the workman was engaged by the M.M.T.C. from 1981 till 1993 continuously. Learned authorised representative for the workman has failed to demonstrate anything which may discredit the statement given by M.W. No.1 on oath.

M.W. No. 2, Sri Sashibhusan Sethy is the Manager (Personnel & Administration), M.M.T.C. In his evidence he has stated that “the workman Kailash Chandra Patnaik was not recruited in regular process. He was working as a casual labourer. He is working since 1984. They were being

engaged in the work as per the requirement. They were doing different works at different times. He never worked for a continuous period of 240 days in a particular post. There is no sanctioned post for deck cleaning and removal of spillage in M.M.T.C. We used to get the above works done through casual labourers." His statement is consistent with the case of the management. I found no reason to disbelieve the statement of M.W. No. 2.

10. The evidence on record makes it abundantly clear that the workman was engaged as a casual labourer on hourly wage basis and he received remuneration everyday on daily wage basis from 1987. The workman was engaged in other jobs when there was no regular job available. Considering the evidence, discussed above, I am of the view that the workman has failed to discharge the burden by establishing that he worked for the required number of days continuously in a preceding year of his disengagement.

11. The workman has claimed enhanced wages, bonus and overtime allowances. In the case reported in AIR 2003 S.C. 2658 (State of Haryana and another, Appellants Vrs. Tilak Raj and others, Respondents), it has been observed that—Equal pay for equal work—Claim by daily wagers in comparison with regular and permanent staff—Not tenable—Since daily wager holds no post—And scale of pay is attached to definite post—State, however, has to ensure that minimum wages are prescribed for such worker and same is paid to them.

From the materials available on record, it is clear that the workman was a daily wager. He held no post. In view of the principles laid down above, he is not entitled to claim equal pay for and allowances with the regular and permanent staff.

12. In view of my discussions made above on Issue No. 1, the reference is answered in the following manner:—

The action of the first party—management in terminating the services of the second party—workman w.e.f. 1-4-93 and in not giving his enhanced wage, bonus and overtime allowances is legal and justified as well and consequently he is not entitled to any relief.

S. K. JAN HOSSAIN, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2005

का. आ. 59.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संयुक्त नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 11/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं. एल-12011/210/2003-आई.आर. (बी. II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 12th December, 2005

S.O. 59—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 11/2004 of the Cent. Govt. Industrial Tribunal-cum-Labour Court, Kanpur (U.P.) as shown in the Annexure in the Industrial Dispute between the management of Syndicate Bank and their workman, received by the Central Government on 12-12-2005.

[No. L-12011/210/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 11 of 2004

In the matter of dispute between :—

The President
Syndicate Bank Staff Association
117/36 'K' Sarvodaya Nagar,
Kanpur.

And

The Dy. General Manager
Syndicate Bank
Zonal Office Skylark IIIrd Floor
43 Naval Kishore Road
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide notification No. L-12011/210/2003 IR (B-II) dt. 30-1-04 has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the Dy. General Manager, Syndicate Bank, Lucknow in recovering of amount of Rs. 1557.10 of CCA from Sri P. R. Sharma, Special Assistant for the period of 4-7-94 to 31-10-99 is just fair and legal? If not, what relief the workman is entitled to?"

2. After receipt of reference from appropriate Government repeated notices through registered post were sent to the union raising the dispute for filing its claim statement in support of its case but neither the union put his appearance nor filed its statement of claim. Lastly by the case was taken up for hearing on 2-12-05, when Sri O. P. Mathur and Neeta Mathur appeared in the case and made a statement before the Tribunal that the union is not inclined to press the present claim before the Tribunal. In view of statement and also in the absence of any evidence, it appears that the union is not interested to prosecute the case before this Tribunal. Therefore the tribunal is left with no other option but to hold that the union raising the

dispute is not entitled for any relief for want of pleadings and proof.

As a result of above discussion it is held that the union raising the dispute is not entitled for any relief for want of pleadings and proof. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2005

का. आ. 60.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 के अन्तर्गत धनबाद नं.-2 के पंचाट (संदर्भ संख्या 51/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं. एल-12012/35/2002-आई.आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 12th December, 2005

S.O. 60.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. 51/2002 of the Central Govt. Industrial Tribunal-cum-Labour Court, Dhanbad No. 2 as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 12-12-2005.

[No. L-12012/35/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE No. 51/2002

PARTIES : Employers in relation to the management of Bank of India, Muzaffarpur and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. Anand Mohan,
Staff Officer.

State : Jharkhand Industry : Banking.

Dhanbad, the 23rd November, 2005

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/35/2002 IR (B-II) dated, 7th July, 2002.

SCHEDULE

"Whether the action of the management of Bank of India, Muzaffarpur in terminating the services of Shri Subodh Tiwary is legal and justified? If not, what relief the concerned workman is entitled to?"

2. The case of the concerned workman according to Written statement submitted by him in brief is as follows :—

The concerned workman submitted that he was orally appointed by the management of Bank of India, Muzaffarpur on and from 3-11-97 to discharge the duties of a Driver of Bank's Vehicle No. BRI-P-0693. After that appointment he was posted with the lead District Manager, Bank of India, Sheohar on 18-11-97 where he worked upto 21-11-2001 and for which management used to pay him wages @ Rs. 60/- per day initially which was subsequently raised to Rs. 90/- per day. He disclosed that his duty hours was from 10 A.M. to 5 P.M. everyday and sometimes he used to remain on duty beyond that period. He further disclosed that his services were utilised for recovery of Bank's loan, to carry currency notes from one branch to another branch etc. He alleged that on 22-11-2001 management without issuing any notice or paying any compensation and also without assigning any reason stopped him from work with effect from 22-11-2001. He submitted that since the date of appointment till he was stopped from his service he worked under the management continuously and used to receive wages through vouchers. After his termination from service he made representation to the management for his reinstatement but to not effect and for which he raised an Industrial dispute before the ALC (C) Patna for conciliation which ultimately resulted reference to this Tribunal for adjudication. The concerned workman accordingly submitted prayer to pass award directing the management to reinstate him in service from the date of his termination with back wages and other consequential benefits.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in the written statement. They submitted that no relationship of employer and employee ever existed between the concerned workman and the management. They disclosed that employment in the Bank is made as per recognised rules prescribed by the Bank considering the Articles 14 and 16 of the Constitution of India and the Reservation Policy of the Government of India. They categorically denied the claim of the concerned workman that he worked under the management for more than 240 days in a calendar year.

They submitted that during the Parliamentary Election the concerned workman was engaged to drive vehicle of the Bank to perform election duty. He was never appointed officially by the management nor he worked continuously according to his claim. Actually on need based basis he used to be engaged by the management for driving vehicle and for which the claim which he has made finds no basis at all. Accordingly he is not entitled to get any relief. In view of the facts and circumstances management submitted prayer to pass Award rejecting the claim of the concerned workman.

4. POINTS TO BE DECIDED

“Whether the action of the management of Bank of India, Muzaffarpur in terminating the services of Shri Subodh Tiwary is legal and justified? if not, what relief the concerned workman is entitled to?”

5. It transpires from the record that in spite of giving ample opportunities as the concerned workman failed to appear, instant case was taken for ex parte hearing. During ex parte hearing management examined one witness as MW-1. This witness disclosed that in the month of October, 1997 he was posted as Lead District Manager at Sheohar under the management and remained there in that capacity upto June, 2000. In the said District Office they had a Jeep Bearing No. BRI-P-0693 which was given under his possession for use as officially he was entitled to enjoy a vehicle for his use. Accordingly for driving of the said Jeep management used to engage a casual driver when any journey was required to be performed. This witness disclosed that such casual job as driver used to be performed by him 4/5 days in a month and for which he used to receive wages which subsequently used to be reimbursed on submitting bills by him. He categorically denied the fact that the concerned workman was appointed as driver by the management and allowed to work as driver continuously for years together. This witness further denied that the concerned workman ever performed his duties from 10.00 A.M. to 6 P.M. continuously which he has claimed in his written statement. Therefore, if the evidence of MW-1 and if the facts disclosed in the pleadings of both sides are taken into consideration there is no dispute to hold that the concerned workman was engaged by the management to drive a Jeep Bearing No. BRI-P-0693. While it is the contention of the concerned workman as per his written statement that he was orally appointed by the management as Driver w.e.f. 3-11-97. This fact has categorically been denied by the management. It is further contention of the workman as per his written statement that he was stopped from his work w.e.f. 20-11-2001 which has also been categorically denied by the management. The concerned workman in his written statement disclosed that initially after appointment management used to pay him wages @ Rs. 60/- per day which was subsequently enhanced to Rs. 90/- and that wages used to be paid to him by the management through vouchers. On the contrary from the

evidence of MW-1 it transpires that the concerned workman not more than 4 to 5 days in a month used to be engaged as Driver to drive that Jeep which was in possession of the Lead District Manager. It is the contention of MW-1 who was Lead District Manager at the relevant time that as per official procedure he was entitled to use Bank vehicle and for which that Jeep was given to his custody. He further disclosed that whenever he used to go on tour this workman used to be engaged for driving that Jeep. He categorically denied the fact that the concerned workman discharged his duties as driver continuously during the period in question which has been claimed by him. Management categorically denied the fact that as they did not appoint the concerned workman as Driver question of his termination from service did not arise and accordingly there was no scope at all either to give notice or to pay compensation as per the provision laid down under Section 25F of the I.D. Act, 1947. They submitted categorically that they have their own norms which they follow in the matter of recruitment of any workman under the management strictly complying the direction given in Article 14 and 16 of the Constitution of India. When this fact is coming on the part of the management, burden of proof rests on the concerned workman to establish that he was orally appointed by the management on 3-11-97 and continuously worked upto 21-11-2001 and put his attendance for more than 240 days in a year. It is seen that in spite of getting ample opportunity the concerned workman did not consider necessary either to appear before this Tribunal in course of hearing or to adduce any evidence. It is his contention that initially management used to pay him wages @ Rs. 60/- per day which subsequently enhanced to Rs. 90/- and that wages they used to pay through vouchers. The concerned workman during hearing has failed to produce any voucher in support of his claim. He has failed to produce any such relevant papers that he worked under the management continuously from 3-11-97 to 21-11-2001.

Considering the facts discussed above there is no dispute to hold that the concerned workman was engaged by the management to drive the Jeep Bearing No. BRI-P-0693. But as per contention of the management such engagement was absolutely casual in nature and therefore, there was no scope to uphold the contention of the concerned workman. It is to be borne in mind that the facts disclosed in the written statement cannot be considered as substantive piece of evidence until and unless the same is substantiated by cogent evidence and any portion of the fact disclosed therein is admitted by the management. It is seen that the concerned workman after filing written statement completed his duty and he did not consider necessary to adduce evidence to substantiate his claim. When the concerned workman has failed to adduce any cogent evidence, just based on the facts disclosed in his written statement, I find no scope to uphold his contention. As he has failed to substantiate his claim lamentably he is

not entitled to get any relief. In the result, the following Award is rendered :—

“The action of the management of Bank of India Muzaffarpur in terminating the services of Shri Subodh Tiwary is legal and justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2005

का. आ.61.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकाता के पंचाट (संदर्भ संख्या 06/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं. एल-12011/125/99-आई.आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 12th December, 2005

S.O. 61.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. No. 06/2000 of the Central Government Industrial Tribunal-cum-labour Court, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workmen, which was received by the Central Government on 12-12-2005.

[No. L-12011/125/99-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL KOLKATA

Reference No. 6 of 2000

PARTIES : Employers in relation to the management of Vijaya Bank

AND

Their workmen.

PRESENT : Mr. Justice Harishikesh Banerji, Presiding Officer

Appearances :

On behalf of Mr. D.K. Ghosh, Advocate with

Management : Mr. R. De, Advocate.

On behalf of Mr. D.K. Mukhopadhyay, Advocate.
Workmen :

State : West Bengal.

Industry : Banking.

Dated, 1st, December, 2005.

AWARD

By Order No. L-12011/125/99/IR (B-II) dated 21-01-2000 the Central Government in exercise of its powers

under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Vijaya Bank in not considering the housing loan application of Smt. Anjali Pandit, employee of N.S. Road Branch by putting the pre-condition of settlement of a loan availed by her husband is legal and justified? If not, what relief is Smt. Pandit entitled?”

2. Vijaya Bank Employees Association which espoused the cause of the concerned workman, Smt. Anjali Pandit states that the employer Bank has housing loan scheme for their workman and employees for which the Bank issued codified Circular No. 72/93 dated 14-05-1993 summarising the Head Office Circular on the guidelines bearing No. HOC No. 189/92 dated 27-11-1992, HOC No. 98/97, dated 21-05-1997, HOC No. 100/97 dated 21-05-1997 and HOC No. 182/97 dated 04-10-1997. The eligibility criteria for availing of the housing loan are relevant and operative for the purpose of the present case which are as follows:

(i) Housing loan will be granted only to individual workman employee only once during the service in the bank. The loan will be granted to a workman employee who has completed not less than 5 years of continuous service in the Bank. The quantum of loan is Rs. 1,50,000/- for clerical staff. The loan will be granted for ‘purchase of ready built house or a flat which has not been occupied’ apart from construction of a new house on an existing site and for purchasing a site and constructing a house thereon. The advance shall carry interest as under :

- | | |
|--------------------------|---|
| (a) Upto Rs. 1.10 Lakhs | .. 5% p.a. + 0.25% p.a.
interest tax (simple) |
| (b) Above Rs. 1.10 Lakhs | .. 11% p.a. + 0.50% p.a.
interest tax (simple) |

(ii) As for release of House Loan for liquidating earlier borrowings if made for the purchase of house/flat, the following clauses being No. 4-1-2 at page 3 of of the Codified Circular No. 72/93 dated 14-05-1993 is also operative and relevant for the purpose of present industrial dispute;

“4.1.2. Part of the sanctioned loan amount shall also be released for liquidating the earlier borrowings if made for the purchase of house/flat. This provision shall apply only in the case of institutional debts like loan from banks, HDFC, LIC, Co-operative Institutions including gold loans availed by the employee and subject to providing documentary evidence to the bank. In that event the bank shall release the amount directly to such creditor/s. Loan raised from private firms and individuals shall not be accepted as institutional debts.”

It is stated on behalf of the workmen that the Bank liberalised the provisions of housing loan scheme as a one time measure to be availed by application on or

before 31-03-1998 under circular No. 248/97 dated 11-12-1997, which inter alia provides as follows:

“Repayment of loan raised from other financial institutions at commercial rate of interest and on *pari passu* or second charge.

As one time measure, it has been decided to permit all those employees who have availed housing loan at commercial rate of interest on *pari-passu* or second charge from other financial institutions or supplementary loan from our bank to avail the enhanced limit for clearing such liabilities.”

It is stated that the employer Bank further liberalised the repayment period of loan, i.e., such period of repayment of loan has been extended to 7 years for those who opted for pension. It is further stated that Smt. Anjali Pandit the concerned workman is at present employed as an award staff of the bank at its N.S. Road Branch at 4, Clive Row, Calcutta-700001. Her staff code number is 6403. She was initially appointed as a Clerk under the employer Bank on 03-12-1975 and has been in continuous service since then. She was confirmed in her post on 03-09-1976. She would retire on 03-08-2000 reaching the age of superannuation of 60 years. She has opted for pension. It is also stated that the concerned workman for the first time in her service life submitted an application through proper channel for obtaining housing loan from the employer Bank for an amount of Rs. 1,50,000 to which she was entitled as per the codified Circular No. 72/93 dated 14-05-1993 for purchase of a flat at 129/1, Ashokegarh, Calcutta-700035 from the vendor Smt. Ratna Mitra of 179/12, Gopal Lal Tagore Road, P.S. Baranagar, Calcutta-35. This first loan application was duly forwarded by the Chief Manager to the Deputy General Manager, Zonal Office, Calcutta under inter office memo No. Cr:SKD:336-96 dated 04-03-1996. It is further stated that the concerned workman promptly furnished all the clarifications asked for by the Bank. She submitted her letter dated 05-07-1996 to the Bank seeking favourable monthly installments to pay off the loan, when granted. It is further stated that the remaining loan could be recovered at her retirement from the service benefits. She also named her son Shri Pradipta Pandit a computer engineer in Tata Consultancy Services as guarantor for the said housing loan.

It is stated by the Association that the employer Bank ultimately refused to grant the said housing loan to the concerned workman on extraneous ground showing a biased attitude towards her. It is also stated that a letter written to the concerned workman by the Chief Manager of the Bank bearing No. CR: SKD:700:97 dated 24-06-1997 reads as follows :—

“This has reference to various correspondences exchanged between you and us including our Zonal Office. However, as informed by our Zonal Office, they shall revert to your Housing Loan Application only after liquidation/

settlement of LMV Account enjoyed by Mr. Promod Pandit which may please be noted.”

It is stated that Shri Promod Pandit the husband of the concerned workman obtained LMV loan, but the concerned workman was neither a guarantor nor a borrower to his LMV loan. It is also stated that the loan taken by Shri Pandit can never be the liability of the concerned workman during his life time. It is further stated that the said pre-condition imposed by the employer Bank in refusing the first loan application of the concerned workman is contrary to the provisions of the housing loan scheme of the Bank and in any case not applicable to the concerned workman. It is stated that the workman with her sincerest and hard work could not make a shelter of her own up to the age of 56, nor could she afford to take advantage of the housing loan scheme of the Bank earlier as she had to spend a lot for education of her son, now a computer engineer. For all these reasons she had to wait for long and ultimately on 24-01-1996 signed an agreement for sale with Smt. Ratna Mitra the vendor for purchase of a small flat on payment of Rs. 75,000 as earnest money with the stipulation that she would have to make final payment for registration of the deed of conveyance by 31-12-1996. The concerned workman expected that she could somehow manage by getting housing loan from the employer Bank. The unexpected and shocking refusal by the employer Bank to grant her the loan as per her first loan application put her in a dilemma i.e., either she would have to loose the earnest money of Rs. 75,000 or to amass the balance consideration money for purchase of the flat from whatever source she could fall back upon; At that time she decided to take a loan of Rs. 2 lacs from G.I.C., Housing Finance Ltd., a Govt. of India undertaking at the commercial rate of interest of 15.5%. She asked for sets of papers and documents submitted by her along with the said first loan application, and of course not withdrawing the first loan application because the employer Bank had assured to consider the same of their own, i.e., the Bank shall revert to first loan application only after liquidation/settlement of the LMV Account enjoyed by Mr. Pandit. The reasons are as follows:

(a) These papers and documents are necessary for submitting the House Loan Application to G.I.C. Housing Finance Ltd., Calcutta, and fresh sets could not be obtained by the concerned workman immediately and without incurring a lot of expenses.

(b) The employer Bank had seen and examined them and found them to be alright and satisfactory and kept note of the same.

(c) If required and asked for, the xerox copies of those could be furnished or else a fresh set could be supplied for the purpose of enabling the employer Bank to revert to the first loan application.

Ultimately, the concerned workman obtained a loan of Rs. 2 lacs at the rate of interest of 15.5% from the GIC Housing Finance Ltd., Calcutta on the basis of her

application duly forwarded by the Chief Manager of the employer Bank and thereafter the concerned workman got her flat registered in her favour. The concerned workman under her applications dated 24-02-1998 and 27-02-1998 made a further request for granting her housing loan under the housing loan scheme under Circular No. 72/93 dated 14-05-1993 issued by the Bank and the subsequent amendment/relaxation of Circular No. 248/97 dated 11-12-1997 were duly acknowledged and forwarded by the head of the branch where she was employed. It is stated that under the cover of the aforesaid application the workman submitted a fresh housing loan application enclosing there with the required documents as per clause No. 4.1.2. of the codified Circular No. 72/93 dated 14-05-1993. These applications dated 24-02-1998 and 27-02-1998 and the enclosures thereto are collectively referred to hereafter as the second loan application. The concerned workman requested the employer Bank for a loan of Rs. 2 lacs to enable her to repay the loan taken by her from G.I.C. Housing Finance Ltd., Calcutta. It is stated that the second loan application was necessary for the concerned workman who wanted to take the benefit of the enhanced limit of housing loan as admissible under the said Circular No. 248/97 dated 11-12-1997. The workman also submitted two applications dated 16-03-1998 and 18-09-1998 requesting the employer Bank to expedite the sanctioning of housing loan to her. Finally, the employer Bank with their adamant attitude refused to grant the housing loan to the concerned workman and to that effect sent her letter No. CR:SKD:0829:98 dated 26-11-1998. It is stated on behalf of the workman that a combined reading of the first loan application and the second loan application make it clear that the concerned workman was really pursuing her first loan application which the employer Bank assured to revert only after liquidation/settlement of LMV account of Shri Promod Pandit and that the second loan application was intended to have the loan amount increased which was made available as one-time measure or before 31-03-1998. It is also stated that the loan availed of by Mr. Promod Pandit from the Bank was liquidated in full in the month of May, 1998. The Bank thereafter of their own could have reverted to the first loan application for sanction of housing loan since the so-called impediment in granting the loan had been removed as the loan granted to Mr. Promod Pandit had already been settled. It is also stated that the concerned workman approached the Chief Manager of the Branch and the Deputy General Manager of the Bank several times and was told that the first loan application was being favourably considered and that she would shortly receive the sanction letter. It is accordingly alleged on behalf of the workman that the facts and circumstances stated will show and establish the biased mind of the employer Bank apparently with no reason what-so-ever. The Bank singled out the concerned workman at the advanced age and has become a subject of oppression

and harassment. According to the Association the action of the employer Bank in refusing to sanction housing loan while allowing the same to the other applicants in similar circumstances are discriminatory and unjustified. It is alleged that in such circumstances the concerned workman has been denied justice in the hands of the employer and she has become a victim of unfair labour practice of the Bank. It is claimed by the Association that the decision of the Bank in such circumstances is arbitrary and vindictive.

The Association states that by their various letters the employer Bank demanded for re-examination of the loan application proposal of the concerned workman. The employer Bank did not reply to those letters, nor did the Bank grant the concerned workman the necessary housing loan applied for. The Association thereafter raised the aforesaid industrial dispute before the Regional Labour Commissioner (Central), Calcutta. Several discussions took place before the Conciliation Officer. The Assistant Labour Commissioner (Central), Calcutta sent the failure of conciliation report and ultimately the Central Government in the Ministry of Labour referred the present dispute to this Tribunal for adjudication. The Association prays for passing an Award holding that the Bank was unjustified in not considering the housing loan application of Smt. Anjali Pandit an employee of N.S. Road Branch the concerned workman.

3. It is submitted by the employer Bank that the reference is not maintainable and that the appropriate Government has prejudged the present reference. The employer has disputed the locus standi of the union. It is stated that the employer Bank has issued various circulars from time to time containing rules and procedures and other guidelines relating to sanction of housing loan to both the workmen and officers working in the Bank. It is further stated by the management that the workmen employees who completed not less than 5 years of continuous service in the Bank shall be eligible for housing loan. Such loan may be availed of by the workman employee only once during the service in the Bank. The housing loan is sanctioned for the following purposes. (a) Construction of a new house on the existing site; (b) Purchase of a site and construction of a house thereon; and (c) Purchasing a ready-built bouse or flat which has not been occupied. The quantum of housing loan was subsequently enhanced from Rs. 1.50 lakhs to Rs. 3 lakhs to clerical staff with effect from 21-05-1997. The procedure how the housing loan sanctioned by the Bank is to be released at certain stages has been indicated at para 4.1.2. It is also indicated that part of the sanctioned loan amount can be released for liquidating earlier borrowings if any house or flat is purchased from institutional lenders like Banks, HDFC, LIC Cooperative Institutions etc. It is stated that although there is provision for releasing the part of the housing loan amount for liquidating earlier borrowings, it is not permissible under the Circular

No. 72/93 to sanction housing loan exclusively for repayment of entire earlier loan which was borrowed from other financial institutions. It is stated that in the case in hand Smt. Pandit sought for sanction of housing loan from the Bank for repayment of the loan which had already been borrowed from General Insurance Corporation of India for purchase of a flat. The amount of housing loan thus sought for by the workman from the Bank is not for purchasing ready-built house of flat, but is for repayment of loan already borrowed from other financial institution. The Bank submits that in such circumstances the union cannot take advantage of paragraph 4.1.2 of the codified Circular. In terms of Circular No. 243/97 dated 11-12-1997 both officers and the workmen who have availed themselves of the housing loan on or after 01-11-1992 are eligible for enhanced limit of housing loan provided their house is incomplete and the original estimate remains unrevised. This was necessitated because the quantum of housing loan was subsequently enhanced for both officers, employees and members of the award staff. The guidelines contained in the circular were applicable only to those employees who had already availed themselves of the housing loan, but it is not applicable to any fresh loan.

It is stated by the management that the workman was not entitled to sanction of housing loan of Rs. 2 lakhs applied for by her during the year 1998 in terms of housing loan scheme formulated by the Bank. It is stated by the Bank that it has rightly rejected the request of the workman for sanction of housing loan for the purpose of repayment of loan borrowed by Smt. Pandit from G.I.C. Housing Finance Ltd., Calcutta. In the above circumstances, the employer Bank submits that the reference is not maintainable and that Smt. Anjali Pandit is not entitled to any relief what so ever in the present reference.

4. In her deposition Smt. Pandit, WW-1 states that she had been a member of the registered trade union of the bank known as Vijaya Bank Employees' Association. She further states that there is a scheme in the Bank for granting house loan. She says that as an employee of the Bank she can apply for housing loan. She says that she was entitled to get the maximum limit of Rs. 1.5 lakhs towards housing loan. The management gave her a letter informing that the loan was not sanctioned as the same could not be granted unless the loan sanctioned in favour of her husband. Mr. Promod Pandit was liquidated. After receiving the loan application the Bank asked Smt. Pandit to clarify certain points, but her clarification was not satisfactory according to the Bank. The witness states that she had booked a flat in anticipation of sanction of her loan and that he was not in a position to liquidate the loan standing in favour of her husband. She further states that before procuring loan from G.I.C. she informed the Bank in writing for return of the papers and documents attached with the application. Subsequently the husband liquidated the amount of loan outstanding in his name.

The Bank did not sanction the loan in her favour even after the liquidation of the loan by his husband. When the loan was not sanctioned to Smt. Pandit by the Bank she approached the union and following failure of conciliation proceeding, the Central Govt. referred the present case to this Tribunal for adjudication.

5. Another witness on behalf of the workman is Shri Shyamal Kumar Hati. He was employed in the Vijaya Bank at Burrabazar Branch. He states that Smt. Pandit applied for housing loan on 4-3-1996 and she submitted her application to the Chief Manager. The Deputy General Manager did not sanction the loan. The loan was not sanctioned as Shri Pandit had already taken a Motor Vehicle Loan from the Bank. Shri Pandit was not an employee of Vijaya bank. This witness also states that Smt. Pandit was not a guarantor in that loan taken by Shri Pandit. Subsequently the loan taken by Shri Pandit was paid off. Smt. Pandit filed another application on 24-2-1998 and on that application also the loan was not sanctioned. As the loan was not sanctioned to Smt. Pandit, they made representation to the Bank. When no action was taken in the matter, the dispute was taken up before the Regional Labour Commissioner. This witness further states that Smt. Pandit had not withdrawn her loan application dated 4-3-1996. He further states that Smt. Pandit has withdrawn the documents filed alongwith the first loan application. He does not know that the Bank called for the documents after the documents were withdrawn. The witness states that there is provision for filing another application for loan when the earlier application for loan was not allowed. The witness also states that at present he is not in a position to say whether this provision is available. It is stated that the second application filed by Smt. Pandit was for liquidation of another loan taken by her. The loan taken by Shri Pandit was repaid after the filing of the first loan application by Smt. Pandit. She had filed an application after the repayment of the loan by her husband for consideration of the first loan application. The loan of Shri Pandit was repaid in the year 1997.

6. WW-3, Arindam Chakraborty is an employee of Vijaya Bank at Old Court House Corner. He is a member of the Vijaya Bank Employees' Association and is functioning as the President of the Calcutta Region of the Association. He states that the union has a constitution. This witness was elected in the meeting of the general body according to the provision of the constitution. He was elected President of the Union for 3 years from April 2000 to 2003. The witness says that he knows Smt. Anjali Pandit who had retired from service.

7. MW-1, Shri Krishna L. Bagalkot is the sole witness for the management. He is the Chief Manager in the Head Office of the Vijaya Bank at Bangalore. From 1996 to 1998 he was working as Senior Manager at Calcutta Regional Office of the Bank. This witness knows Smt. Pandit. He states that Smt. Pandit had applied for house building loan from the Bank and her application was not rejected by the

Bank. Some clarifications were sought for from the workman by the Bank. Later she requested the bank to return some of the documents filed by her alongwith the application. The documents were accordingly returned. She again applied for loan in February, 1998. The purpose of seeking the said loan was for liquidating the loan taken from GIC. In the second loan application she did not mention that it was for the construction of a house. The second application was not sanctioned and it was rejected according to rules. According to the witness the Circular marked Ext. W-11 has no application to the second loan application of the concerned workman. Housing loan is sanctioned only for three purposes, namely, for construction of a house on the land already possessed by the applicant, or purchase of land for construction of house or purchase of a readymade house or flat. The Circular, Ext. W-11/1 has no application in the case of Smt. Pandit. The witness states that Smt. Pandit did not inform the bank before filing the second loan application that she had applied for loan from G.I.C. In the second application a sum of Rs. 2 lakhs was sought for by her. He also stated that the husband of Smt. Pandit who was not an employee of the Bank had taken from the Bank a loan for purchase of a vehicle. It had no concern with the loan application of Shri Pandit. Subsequent to the first application, Smt. Pandit did not inform the Bank that she wanted to pursue her first loan application. After the withdrawal of the documents filed alongwith the application, there was no scope for consideration of the first loan application. According to the witness the decision of the Bank was taken on the basis of the circulars and policy of the Bank. The loan in the case of husband of Smt. Pandit was sanctioned in his individual capacity and not as husband of Smt. Pandit. There was no reason to connect the loan taken by Shri Pandit with the loan application of Smt. Anjali Pandit. The witness further states that he had reported in the Bank at Calcutta in June, 1995. He was in the Regional Office till May, 2000. He was posted to the N. S. Road Office of the Bank from May, 2000 to May, 2001. The loan application of Smt. Pandit was finally disposed of in June, 1998. It is stated by the witness that there is no circular in support of the letter written to Smt. Pandit by the Bank on 24-6-1997 (Ext. W-2). This witness further states that the letter Ext. W-2 was simply written as a recovery measure seeking assistance of the employee for the recovery of loan taken by her husband. He admits that in May, 1998 Shri Pandit repaid the loan amount. According to the witness the documents appended with the application were returned with the loan application which was supposed to have been disposed of. He also states that after the liquidation of loan management did not ask Mrs. Pandit to approach with the documents so that the management could consider her loan application. After her second application the management had learnt that Smt. Pandit had taken loan from GIC. The Bank became aware of the fact that Smt. Pandit had taken loan from GIC when she sent relevant

papers to the Bank in her second loan application. The witness states that Smt. Pandit did not furnish all the details and material sought from her by the bank way of clarification. It is denied by this witness that after receiving all the necessary information the authority came to the conclusion that they could not refuse her prayer and, therefore, the letter Ext. W-2 was written to her. The management denies that the decision taken in the case of Smt. Pandit was discriminatory and arbitrary.

8. It is submitted on behalf of the management that the first loan application of Smt. Pandit was not rejected, but she herself took back the papers leaving hardly any scope for consideration of the same. The workman also stated in her deposition that there was no paper to show her loan application dated 4-3-1996 which was rejected and no loan was sanctioned because her loan application was kept pending. It is also stated by the management that WW-2, Shyamal Kumar Hati stated on 27-6-2001 that the Bank had not rejected the loan application dated 4-3-1996 of the workman. MW-1 in his testimony on 28-12-2001 stated that the application was not rejected by the Bank. But some clarifications were sought for from the applicant by the Bank. Later the applicant requested the Bank to return some of the documents filed by her alongwith the application. The documents were, however, returned. It is therefore, apparent that there was no rejection of the first loan application. Nor, was there any scope for non-consideration of the loan application by the Bank. It is stated that the loan application of Smt. Pandit had no connection with the motor vehicle loan of her husband. It is further stated by the management that this reference is not maintainable as the appropriate Government has pre-judged the issue thereby acting quasi judicially. In this connection reference may be made to the case of Western India Match Co. Vs. Western India Match Co. Workers Union (1970-11-LLJ-256) where it was held that the Government cannot go into the merits of the dispute and its function is only to refer such a dispute for adjudication so that the industrial relations between the employer and its employees may not continue to remain disturbed and the dispute may be resolved through a judicial process as speedily as possible. In view of the above it is stated that the instant reference is not maintainable and the allegation of Smt. Pandit is devoid of any substance. It is also stated that the Bank has acted legally and without any prejudice to the concerned workman.

9. Resultantly, the action of the management of Vijaya Bank in not considering the housing loan application of Smt. Anjali Pandit by putting the pre-condition of settlement of a loan availed by her husband is held to be legal and justified. As such Smt. Pandit is not entitled to any relief.

Dated, Kolkata,

the 1st December, 2005.

HRISHIKESH BANERJI, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2005

SCHEDULE

का. आ. 62.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इण्डिया के प्रबंधन के संबद्ध नियोज्जकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद नं० 2 के पंचाट (संदर्भ संख्या 191/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल-12012/280/98-आई.आर.(बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 12th December, 2005

S. O. 62.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 191/99) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No.2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 12-12-2005.

[No. L-12012/280/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 191 of 1999

PARTIES:

Employers in relation to the management of Bank of India and their workman.

APPEARANCES:

On behalf of the workman : Mr. D. Mukherjee,
Advocate.

On behalf of the employers : Mr. D.K. Verma,
Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 29th November, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-12012/280/98-IR (B-II), dated, the 13th May, 1999.

“Whether the action of the management of Bank of India Hazaribagh Region in stoppage of duty of Sh. Akhilesh Sharma, Badli Sepoy and not regularising him as Badli Sepoy on permanent roll in the services of Bank of India is legal and justified? If not, to what relief the concerned workman is entitled?”

2. The case of the concerned workman according to Written Statement submitted by him in brief is as follows:

The concerned workman submitted that being engaged by the management of Pokhardiha Branch of Bank of India he started working as Badli Sepoy/Sub-Staff from 1-7-91 against permanent vacancy till September 1996. He submitted that during this period in each year he attended to his duties for more than 240 days. He alleged that though he used to perform regular duties of sub-staff, instead of paying wages of sub-staff management used to pay him wages in a very low rate. Accordingly he submitted representation to the management requesting them to pay regular wages stopping exploitation of his service as sub-staff but he alleged that instead of considering his representation the said management stopped him from service w.e.f. September, 1996 without assigning any reason. He submitted that his name was sponsored by the Employment Exchange and he appeared in the interview called by the management. But in spite of facing that interview he was not regularised by the management as sub-staff illegally and arbitrarily. He further alleged that even management neither issued any notice nor paid him any compensation as per provision of Section 25F of the I.D. Act., 1947. Accordingly he raised an industrial dispute before the ALC(C) Hazaribagh which ultimately resulted reference to this Tribunal for adjudication and submitted his prayer to pass an Award directing the management to regularise him as Badli Sepoy in the permanent roll under the services of the management.

3. Management on the contrary after filing Written-Statement-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in his Written Statement. They submitted that at Hazaribagh region they have various branches and each branch functions independently under the charge of the Manager of the Bank subject to control by the Regional Manager who in turn is controlled by the General Manager. In the absence of the name of the specific branch the reference becomes defective and not maintainable. They submitted that each branch of the Bank remains under control, direction and supervision of the Manager of that Bank and casual labourers are engaged by different Managers according to requirement from time to time. A casual worker may work in one branch and may also get engagement in another branch of some different period. As the employment of casual labour is not done on regular basis

such engagement on different branch of different Managers do not have any continuity of service in respect of any casual worker. They submitted further that management follows Government procedure for selection and recruitment of workmen as Badli Sepoy at the initial stage after calling names from the Employment Exchange from the locality and a Selection Committee is constituted for selection of such persons to be enrolled as Badli Sepoy. A panel of Badli Sepoy is prepared in respect of different regions and such Badli Sepoys are deputed according to requirement of different branches to work against temporary and casual vacancies of permanent workers deployed in different branches due to leave of sick vacancies of on account of any extra work required to be performed. They disclosed that the name of the concerned workman was also sponsored by the Employment Exchange and his case was also considered along with several others by the Selection Committee but the concerned workman could be selected as Badli Sepoy and for which he was not kept in the panel of Badli Sepoy for his engagement as Class IV employees during leave and sick vacancies of Class IV employees. They further disclosed that the Badli Sepoys after rendering service of some years are made permanent on the basis of their individual merits adjudged in the course of performance of their duties. As the concerned workman was not selected by the Interview committee question of his empanelment as Badli Sepoy did not arise at all. They admitted that the concerned workman worked at different branches of the bank within Hazaribagh region as casual labour as and when required as per the engagement made by different Managers of different branches. But they categorically denied the fact that the concerned workman rendered services continuously during 1991 to 1996 and within the said period he gave attendance for more than 240 days in each year. They submitted that after certain temporary period of engagement by one branch of the Bank his enrolment was no longer required and he was automatically stopped from duties. Accordingly management submitted that as the concerned workman was not a regular employee of the management question of his termination never arose and for which question of either giving notice or payment of any compensation under Section 25F did not arise. In view of the facts and circumstances stated above management submitted prayer to pass Award rejecting the claim of the concerned workman.

4. POINTS TO BE DECIDED

“Whether the action of the management of Bank of India Hazaribagh Region in stoppage of duty of Sh. Akhilesh Sharma, Badli Sepoy and not regularising him as Badli Sepoy on permanent roll in the services of Bank of India is legal and justified? If not, to what relief the concerned workman is entitled?”

5. FINDING WITH REASONS

It transpires from the record that the concerned workman examined himself as Witness (WW-1) with a view

to substantiate his claim. Management also in support of their claim examined two witnesses i.e. MW-1 and MW-2. As per the evidence of the concerned workman he was engaged as Badli Sepoy from 17-9-91 to October, 1996 continuously. He disclosed that after 1996 management stopped him from his work without giving any notice or paying any compensation. He further disclosed that during the period in question he worked for more than 240 days in each calendar year as Badli Sepoy. He submitted that as Badli Sepoy he had to perform different duties of the Peon from 10.00 A.M. to 5 P.M. regularly. In support of his claim he relied on a certificate issued by the Cashier Kishori Pd. Singh which during his evidence was marked as Ext. W-1. MW-1 on the contrary categorically denied the claim of the concerned workman that he worked at Pokhadia branch of the management continuously for the period claimed by him. He submitted that in every branch to carry on Group-D work permanent sepoy are posted but when any permanent sepoy goes on leave to meet the Group-D job Badli Sepoys are engaged on temporary basis till the permanent Sepoy joins to his post. After resumption of duties of a permanent sepoy work of temporary sepoy is stopped. This witness further disclosed that for engagement of Badli Sepoy at Regional Office a panel was prepared after obtaining names from the Employment Exchange and those Badli Sepoys are posted to the branch for work on temporary basis during leave and sick vacancy of permanent sepoy. He admitted that the name of the concerned workman was forwarded by the Employment Exchange for his employment of his name as Badli Sepoy but as he was not selected in the interview his name could not be empanelled by the Regional Office. This witness admitted that for some days the concerned workman worked as Badli Sepoy at Pokhadia branch but categorically denied the fact that he worked there for more than 240 days in any calendar year as casual worker. This witness categorically submitted that Kishori Singh who issued that certificate marked as Ext. W-1 was a clerk of Pokhadia branch and he had no authority at all to issue that letter under his signature. Moreover, the said letter neither had any office seal nor it marked with the signature of that incharge of the branch. It was actually issued in his personal capacity and for which the said letter cannot be treated as an official letter. MW-2 who also Branch Manager posted at Pokhadia branch corroborated the evidence of MW-1 During his evidence he denied categorically that the concerned workman ever worked continuously in the said Pokhadia branch from 1991 to 1995. He also disclosed that his name was never included in the list of Badli sepoy and denied the fact of issuance of the letter marked as Ext. W-1 by the said Pokhadia branch. This witness categorically disclosed that in official capacity Kishori Singh who signed this letter (Ext. W-1) had no authority to issue the same as only the Branch Manager of the Management in official capacity is authorised to issue such letter. Considering the document marked as Ext. W-1

it transpires that one Kishori Singh signed a statement. The statement of work relates to the period from 17-9-91 to 8-10-93. Both MW-1 and MW-2 categorically submitted that said Kishori Singh was a clerk posted at Pokhadia branch and being a clerk he had no authority at all to issue any statement of work of any workman in official capacity. The witnesses further on behalf of the management submitted that the said statement of work neither bears any office seal nor bears the signature of the Branch Manager for authentication. I have carefully considered this statement of work which appears in carbon copy and affirms that it does not bear any office seal of the Bank nor signed by the head of the branch for its authenticity. An official letter without office seal signature of the Head of office bears no value at all. The concerned workman had the scope to examine this staff of the branch in support of his claim but he did not consider necessary to do so. As the authenticity of the statement of work has been challenged by the management burden of proof was on the concerned workman to establish its authenticity but I find no hesitation to say that in spite of getting scope he did not consider necessary to prove the same. As the statement bears the signature of a staff there is no scope to draw conclusion that it should be considered as a valid document until and unless its authenticity is proved. While the concerned workman raised industrial dispute, during the pendency of the conciliation proceeding management submitted their comments which during evidence was marked as Ext. W-6. From the comments it transpires that the claimant, i.e., the concerned workman was engaged at Pokhadia branch as Badli Sepoy/Sub-staff from 17-9-91 to 18-12-92 on different dates depending upon exigencies of the Bank. In para-4 of the comments it has been submitted by the management which is as follows :—

“In reply to contents of para 2, we may submit that the claimant had worked as Badli/Casual/Temporary Sub-staff on different dates during the above referred period. However, the details of his such working is not available with the Bank, due to non-availability of records as the same are, normally not preserved for such a long period of 7 years. The claimant also has not given the details of the period of his engagement in the Bank and in absence thereof it is difficult to ascertain whether he has completed 240 days in a calendar year as claimed by him. The claimant was not stopped from duty from September, 1996 as alleged. In fact he was engaged by the branch upto 18-12-92 as stated in earlier para.”

In para-6 of the comments management has categorically denied issuance of any certificate by the management as claimed by the concerned workman. The comments of the management further exposed in para-8 that the concerned work was called for an interview for the post of sepoy in sub-staff cadre in terms of Bank's letter dated 16-3-98. As he was not selected for the said

post question of empanelment of his name did not arise. Therefore, considering the comments of the management it shows that the concerned workman on casual basis and sporadically was engaged as sub-staff during the period from 17-9-91 to 18-12-92 and during such engagement he never completed his attendance for more than 240 days which has been claimed by the concerned workman. The concerned workman in support of his claim relied on certain documents marked as Ext. W-2, W-3, W-4 and W-5 which were alleged to be issued by the management time to time during the period from 18-12-92 to 22-4-96. As the management challenged the authenticity of those documents onus was on the concerned workman to prove its authenticity but the concerned workman has failed to establish the authenticity of these documents and for which I find it difficult to accept the same in absence of their genuinity as official documents on the ground that those documents neither bears any office number nor seal and signature of the head of office. If the comment of the management submitted before the ALC(C) is taken into consideration there is no dispute to hold that time to time the concerned workman was engaged as casual worker at Pokhadia branch but they categorically denied of his claim for putting his attendance for more than 240 days in each calendar year. It has also been mentioned in the comments that provision of the I.D. Act as quoted has no application in the claimant case unless the fact of his having worked for more than 240 days in the preceding 12 calendar months from the date of his disengagement from the service is established. According to the concerned workman he was stopped from his work in the year 1996. If the provision as laid down under section 25B of the I.D. Act, 1947 is taken into consideration in that case he has to show that he worked for more than 240 days for a period of one year within the period of 12 calendar months preceding the date when he was stopped from work. During hearing the concerned workman has failed to produce an iota of evidence to show that he worked for more than 240 days within a period of 12 months preceding the date when he was stopped from his work. It is the specific contention of the management that they follow the Government procedure for selection and recruitment of workmen as Badli Sepoy at the initial stage after calling names from the Employment Exchange of the locality and a Selection Committee is constituted for selection of such persons to be enrolled as Badli Sepoy. The concerned workman admitted that his name was sponsored by the Employment Exchange and he appeared before the Selection Committee at the time of interview. The contention of the management is that as the concerned workman was not selected question of empanelment of his name as Badli Sepoy did not arise. Management also have explained under which circumstances Badli Sepoys are engaged. The job of Badli Sepoy is to work in place of permanent Group-D staff in their leave and sick vacancies and the work of Badli Sepoy stops automatically the moment the permanent Group-D

staff joins to his duty. This fact has not been denied by the concerned workman. It has been further submitted by the management that each branch of the Bank of the Management is provided with permanent Group-D staff. Therefore, question of deployment of any Badli Sepoy in place of permanent Group-D staff does not arise until and unless that permanent Group-D staff remains absent either on the ground of sickness or otherwise. The management is a statutory organisation under the Govt. of India and remain under direct control of the Reserve Bank of India. Naturally they are to follow certain rules and regulation in the matter of recruitment of any worker. It has been admitted by the management that as per recruitment rules they empanel the names of Badli Sepoys after their names are sponsored by the Employment Exchange and on being selected by the Selection Committee in course of interview. They further submitted that every Branch Manager of the branch to meet up any immediate nature of job may engage any casual worker absolutely for a limited period as Manager of the Branch neither holds any authority to engage any Badli Sepoy violating the recruitment rules and policy of the management nor he is empowered to allow that casual worker to work in the branch continuously. The concerned workman during his evidence admitted that no letter of appointment was issued to him to work as Badli Sepoy. Therefore, question comes in under which capacity he was allowed to work under the management, at Pokhadia branch continuously for a period from 1991 to 1996. In course of hearing he has failed to produce a single scrap of authentic paper to show that he worked there for the said period continuously. Therefore, there is sufficient scope to presume that the concerned workman did not reveal the truth in placing of his claim while he raised industrial dispute and for which during hearing before this Tribunal he lamentably failed to establish his claim.

In the case of Madhyamik Shiksha Parishad, UP-versus-Anil Kumar Mishra and others reported in 2005 Supreme Court Cases (L & S) Their Lordships of the Hon'ble Apex Court observed that status of workmen cannot be envisaged for ad hoc appointees on analogy with provisions of I.D. Act., 1947 importing the incidents of completion of 240 days' work. Hon'ble Court further observed that completion of said period of work does not import the right to regularisation. It merely imposes certain obligations on employer at the time of termination of service. Hon'ble Court further observed that it will not be appropriate to import or apply that analogy, in an extended or enlarged form. Therefore, if this decision is taken into consideration there is sufficient scope to say that as a workman worked for 240 days it does not imply that he has got legal right to be regularised by the management. Here in the instant case it is the specific contention of the management that neither the concerned workman was appointed nor was dismissed from his service. The concerned workman also admitted that he did not get any

letter of appointment from the management. As the management is a statutory organisation definitely they maintain certain norms in the matter of appointment of any workman for their organisation. It has been mentioned categorically by the management that they recruit employees as per norms of the recruitment rules. It has been further submitted by them that maintaining the recruitment rules name of the concerned workman was sponsored by the Employment Exchange for interview for empanelment of his name as Badli Sepoy. But during interview by the Selection Committee as the concerned workman could not succeed there was no scope for empanelment of his name as Badli Sepoy. Empanelment of the name of Badli Sepoys and regularisation of casual workers are quite different and cannot be equated with each other. Badli Sepoy on being selected is regularised as Group-D staff after rendering continuous years of service. Here the concerned workman was not selected as Badli Sepoy by the management as he could not come out successfully during his interview. He was engaged as a casual worker to perform certain job of casual nature by the Branch Manager of Pokhadia Branch for a limited period and his wages used to be paid through vouchers. Therefore, the status of this workman as a casual workman cannot be equated with the status of a worker of Badli Sepoy. Opportunity was given to the concerned workman for empanelment of his name as Badli Sepoy but as he failed to come out successfully, management did not get any scope to empanel his name and as he failed to avail himself of that opportunity by raising an industrial dispute intended to get his regularisation as Badli Sepoy which at all cannot be supported. Accordingly after careful consideration of all the acts and circumstances I hold that the concerned workman has failed to substantiate his claim with cogent reasons and for which he is not entitled to get any relief. In the result, the following Award is rendered :—

“The action of the management of Bank of India, Hazaribagh Region in stoppage of duty of Sh. Akhilesh Sharma, Badli Sepoy and not regularising him as Badli Sepoy on permanent roll in the services of Bank of India is legal and justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2005

का. आ. 63.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं० 2 के पंचाट (संदर्भ संख्या 135/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल-12013/65/98-आई.आर.(बी-11)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 12th December, 2005

S. O. 63 —. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 135/99) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 11 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 12-12-2005.

[No.- L-12013/65/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 135 of 1999

Parties : Employers in relation to the management of Bank of India and their workman.

Appearances :

On behalf of the workman : Mr. S.N. Sinha &
Mr. M. S. Nawaz,
Ld. Advocates

On behalf of the employers : Mr. D.K. Verma,
Ld. Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 29th November, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12013/65/98/IR (B-II), dt. 10-2-98.

SCHEDULE

“Whether the action of the management of Bank of India, Phusro Branch, P.O. Phusro Bazar Distt: Bokaro in stopping the work of Sh. Binod Kr. Ram and not regularising him in the services of the Bank on permanent roll is legal and justified? If not, what relief the workman concerned is entitled to and from which date?”.

2. The case of the concerned workman according to written statement submitted by him in brief is as follows:

The concerned workman submitted that he was appointed by the management against permanent vacancy of Sweeper/Sub-Staff w.e.f. 22-9-89 but without giving

any notice and violating the mandatory provision of Sec. 25F of the I.D. Act. terminated him from his service in the month of July, 90. During this period he discharged his duties as Sub-Staff and including holidays he put his attendance in that capacity for more than 240 days. In para 5.1 of the written statement he asserted that his service under the management from 31-1-90 to 31-7-90 was continuous and thereafter also he worked under the management but with ulterior motive management did not record his attendance.

He alleged that management illegally and arbitrarily violating the principle of natural justice terminated his service and for which he raised an Industrial Dispute which ultimately resulted reference to this Tribunal for adjudication.

3. Management on the contrary after filing written statement cum rejoinder have denied all the claims and allegations which the concerned workman asserted in his written statement.

They submitted that the concerned workman was engaged as daily rated worker on casual basis as and when required at Phusro Bazar branch during the period from September 89 to July 90 against leave and sick vacancies of class IV employees and sweepers as well as during seasonal requirement for spraying water to “Khas Khas” etc and for which there was no scope for his regular employment.

They submitted that as per guide line of the Supreme Court they issued notice dt. 26-3-93 to the Employment Exchange office, Giridih, B.S. City and Tenughat calling for names of candidates for their selection and appointment against permanent vacancies available at that time. All the three Employment Exchange office sponsored names of different candidates and they were interviewed by the Selection Committee constituted by the bank and after interview as per vacancy seven candidates were selected for class IV posts of the bank. There was no scope to call for interview of the concerned workman as his name was not sponsored by the Employment Exchange. They submitted that as there is no provision for regularisation of any casual/temporary worker by passing Employment Exchange and also as constitutional provision relating to public employment are required to be followed strictly to fill up any permanent vacancy they did not get and scope to regularise the concerned workman as class IV staff on his demand.

Accordingly management submitted that as the demand of the concerned workman is baseless he is not entitled to get any relief in view of his prayer.

4. POINTS TO BE DECIDED

“Whether the action of the management of Bank of India, Phusro Branch, P.O. Phusro Bazar, Distt: Bokaro in stopping the work Sh. Binod Kr. Ram and

not regularising him in the services of the Bank on permanent roll is legal and justified? If not, what relief the workman concerned is entitled to and from which date?

5. FINDING WITH REASONS.

It transpires from the record that the concerned workman with a view to substantiate his claim examined himself as W.W.I. Management also in support of their claim examined one witness as M.W.I.

W.W.I. during his evidence disclosed that he was engaged by the management to work as Sub-staff at Phusro Branch on 22-12-89 and in that capacity he continuously worked till 14-4-91. Thereafter he was stopped from his work without assigning any reason. In support of his claim he relied on copies of vouchers issued by the management against payment of wages for the work done by him in that capacity. The copies of vouchers during his evidence were marked as Exhibit W.I series. He further submitted that during this period he worked for more than 240 days in each year.

M.W.I on the contrary denying the claim of the concerned workman that he worked continuously for more than 240 days in a year disclosed that he was deployed intermittently as casual worker absolutely on temporary basis. He disclosed that as per procedure for the interest of running the work of any branch the Branch Manager is competent to engage any person as casual worker for performing certain jobs not exceeding four days at a time. He further disclosed that management have its own recruitment procedure for selection of any worker against vacant post through Employment Exchange. He submitted that in the year 1993 management sent letters to Giridih Employment Exchange, Tenughat Employment Exchange and Bokaro Employment Exchange for sponsoring the names of some candidates in connection with filling up some post of Sub-staffs. In response to the said letters all the three Employment Exchange office though sponsored the names of certain candidates did not sponsor the name of the concerned workman. The sponsored candidates were duly interviewed by the Selection Committee and after interview some candidates were selected for employment as Sub-staff. Against specific question during cross-examination this witness categorically denied the fact that the concerned workman worked for 212 days under the management as casual worker. Concerned workman during his cross examination admitted the fact that for selection of some Sub-staff management called for interview to the candidates whose names were sponsored by the offices of the Employment Exchanges.

It is the specific claim of the management that apart from their recruitment procedure in view of decision of the Supreme Court in *D.D. Horticulture Employee Union vs. Delhi Administration* reported in 1992 Lab i.e. 847 at para

15 they sent letter to Giridih Employment Exchange Tenughat Employment Exchange and B.S. City Employment Exchange with request to sponsor the names of candidates for their interview to fill up some vacancies of Sub-staff. Those Employment Exchange Offices though sponsored the names of a good number of candidates did not sponsor the name of the concerned workman. They submitted that as their organisation is a statutory Government Organisation they are to abide by the Rules and Regulations framed for the recruitment of candidates to fill up the vacancies and in doing so they did not commit any illegality in calling for the names of suitable candidates from Employment Exchange for interview and selection. Apart from this fact they submitted that the concerned workman though was engaged as casual worker at Phusro Branch to perform certain jobs absolutely casual in nature for a limited period and on intermittent basis there was no scope to say that he worked continuously for more than 240 days in a year. They further submitted that as nature of job performed by him was intermittent in nature question of issuance of appointment letter never arose. Moreover, as he was not an employee of the Bank question of his termination did not arise. Concerned workman during his evidence admitted that no letter of appointment was issued to him by the management. This admission on his part therefore, speaks clearly that he was never an employee of the Bank. A casual employee who is engaged to perform certain jobs of intermittent and absolutely temporary in nature in a statutory organisation without any letter of appointment can not be considered as an employee of that organisation. Obviously when that casual worker stops from duty after the work is over there is no scope to say that he is terminated from service.

If statement of the concerned workman in para 5.1 of his written statement is taken into consideration it will expose that he worked continuously under the management from 15-1-90 to 31-7-90. If this admission of the concerned workman is considered and if it holds that he worked there even during holidays in that case he did not work for more than 210 days. Therefore, his claim that he worked for more than 240 days finds no basis at all.

Concerned workman in support of his claim relied on some vouchers issued by the management showing payment of wages to him (Exht. W-1 series) which shows that he worked under the management from September, 89 to May, 91. Concerned workman in his written statement admitted that he worked under the management from 22-9-89 to 31-7-90. The vouchers which he relied on relates for the period from September 89 to May 91. When he himself specifically admitted that management stopped him from work w.e.f. 31-7-90 there was no question of performing his duties as casual worker thereafter under the management. It is curious to note that he submitted voucher for the period from October, '90 to May, '91 showing payment of wages for the work done by him when he was no more in work under the management. During

hearing argument *Ld. Advocates* for the concerned workman failed to give any satisfactory explanation in this regard. Therefore there is sufficient reason to hold that the vouchers which the concerned workman relied on in support of his claim are not at all trustworthy and for which the same can not be accepted as genuine document.

It is seen that for filling up the vacancies of sub-staff management followed appropriate procedure based on the observation made by the Hon'ble Apex Court and call for interview of those candidates whose names were sponsored by the Employment Exchanges. It has been admitted by the concerned workman that his name was not sponsored by the Employment Exchange. No evidence also is forthcoming that the concerned workman submitted any application for his employment as sub-staff as he worked there as casual worker when management called for names of suitable candidates from Employment Exchange. As he worked for a certain period being casual worker it did not establish his claim or right to get his employment as Sub-staff ignoring the employment procedure of a Statutory Organisation.

Accordingly, after careful consideration of all the facts & circumstances I hold that the concerned workman has failed to substantiate his claim and for which he is not entitled to get any relief.

In the result the following award is rendered:

"That the action of the management of Bank of India, Phusro Branch, P.O. Phusro Bazar, Distt: Bokaro in stopping the work of Binod Kr. Ram and not regularising him in the services of the Bank on permanent roll is legal and justified.

Consequently, the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2005

का. आ. 64.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद II के पंचाट (संदर्भ संख्या 51/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल- 20012/429/96-आई.आर.(सी.-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 12th December, 2005

S. O. 64.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.51/98) of the Central Government Industrial Tribunal/Labour

Court, Dhanbad II now as shown in the Annexure, in the industrial Dispute between the employers in relation to the management of Tisco and their workman, which was received by the Central Government on 12-12-2005.

[No. L- 20012/429/96-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 51 OF 1998

PARTIES :

Employers in relation to the management of Tisco. and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Mr. D.K. Verma, Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 22nd November, 2005

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/429/96/IR (Coal-I), dated, the 20th February, 1998.

SCHEDULE

"Whether the action of the management of Jamadoba Colliery of M/s. Tisco. in denial to correct the date of appointment and to pay the difference of wages of Cat. VI for the period from 21-6-89 to till date in respect of Sri Atique Khan is justified? If not, what relief the concerned workman is entitled?"

2. Case of the concerned workman according to Written Statement submitted by him in brief is as follows:

The concerned workman submitted that he was appointed as Category I Mazdoor on 1-11-1975 on temporary basis at Digwadih Colliery of the management and was made permanent on 1-11-1976. He submitted that thereafter management issued I.D. Card to him and from his I.D. Card he came to know that management recorded his date of appointment as 1-11-76 instead of 1-11-75, as a

result of which he has become junior to others in respect of service and other promotional matters for which he submitted representation to the management for correction of his date appointment with effect from 1-11-75 instead of 1-11-76 but the management did not consider his prayer. He further submitted that he got his promotion as Scraper Crew in Cat. IV from 21-4-79 and for his discharging service in that capacity efficiently management deputed him to work as Banksman/On setter at 2 Pit Koepey Winder from 21-6-89. He submitted that the Banksman/Onsetter is of Category VI. But the management did not change his grade and rate of pay. He submitted that the management though provided Cat. VI to all other Banksman/On Setter did not consider his claim as he is entitled to Cat. VI wages from 21-6-89. He further admitted that with effect from 1-7-89 management upgraded his post in Cat. V under S.L.U. He alleged that as the management refused to consider his prayer for upgradation of post in Cat. VI w.e.f. 21-6-89 and also as they refused to record his entry in service w.e.f. 1-11-75 he raised an Industrial dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication. He accordingly submitted his prayer to pass Award directing the management to record his date of appointment as 1-11-75 in the service record and also to post him as Cat. VI w.e.f. 21-6-89 with all back wages and other consequential relief.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in his Written Statement. They submitted that the concerned workman started working as piece rated worker w.e.f. 1-11-76 at Digwadih Colliery and his service card was opened on 21-4-1977 when he was posted as Cat. I Mazdoor on regular basis. Thereafter the concerned workman was given necessary training of the job of Scraper Crew and was regularised/promoted as Scraper crew with effect from 21-4-79 and fixed in Category IV. They submitted further that while the concerned workman was posted at Digwadih Colliery a chargesheet dt. 5-9-83 was issued against him for committing misconduct of riotous disorderly and indecent behaviour and abatement of assault on Sri D.N. Abrol the then Agent under clause 19(5), 19(20) of the Certified Standing Order of the Company. They submitted that in the departmental enquiry as the charges levelled against him were established he was dismissed from his service w.e.f. 29-10-83 and for which he raised industrial dispute which was subsequently registered as Ref. No. 91/89. They disclosed that the concerned workman was reinstated in service by Order dt. 23/24-7-86 in terms of settlement entered into between the management and the recognised union i.e. R.C.M.S. On the basis of that settlement CGIT No. 1, Dhanbad passed award. They disclosed that as per terms of settlement the concerned workman was not entitled to any back wages or any other benefit for the

period he remained idle till the date of his reinstatement. The intervening period was treated as 'dies none' After reinstatement in his service the concerned workman was transferred to Sijua Colliery on 26-7-86 and thereafter he was transferred to Jamadoba Colliery with effect from 21-4-88. They disclosed that the concerned workman was designated as Banksman/On Setter w.e.f. 21-6-89. He was upgraded from Cat. IV to Category V under SLU as per the provision of N.C.W.D. It has been submitted by them further that as per the provision of Cadre scheme applicable to the establishment the workman can be promoted to the next higher grade after completion of necessary eligibility period on the basis of the recommendation of the names of the workmen by D.P.C. considering merit-cum-seniority. They submitted that as per the service record of the concerned workman his initial appointment was from 1-11-76 as a piece rated worker. He was regularised in Cat. I Mazdoor w.e.f. 21-4-77. Therefore, the attempt of the sponsoring union to indicate the initial appointment of the concerned workman as Cat. I Mazdoor with effect from 1-11-75 was incorrect and baseless. Even if it is assumed that the concerned workman was given temporary appointment from time to time during the period from 1-11-75 to 1-11-76 the temporary engagement cannot be counted for deciding his seniority. They further disclosed that on initial appointment a Banksman/On setter is entitled to get Cat. IV only. In course of promotion they get Cat. V and Cat. VI as per provision of cadre scheme applicable to their establishment. Accordingly management disclosed that the claim of the sponsoring union is baseless and for which the concerned workman is not entitled to get any relief, in view of prayer made in the Written Statement.

4. Points to be decided

"Whether the action of the management of Jamadoba Colliery of M/s. Tisco in denial to correct the date of appointment and to pay the difference of wages of Cat. VI for the period from 21-6-89 to till date in respect of Sri Atique Khan is justified? If not, to what relief the concerned workman is entitled?"

5. Finding with reasons

It transpires from the record that the sponsoring union with a view to establish their claim examined the concerned workman as WW-1. Management also in support of their claim examined one witness as MW-1. WW-1 i.e. the concerned workman during his evidence disclosed that he got his appointment at Digwadih Colliery under the management on 1-11-75 as Stone Stacker though in the I.D. Card issued by them his date of appointment was recorded as 1-11-76 instead of 1-11-75. He disclosed that thereafter in the year 1978 he was promoted to the post of Scraper crew in Cat. IV and got his promotion in Cat. V w.e.f. 1-7-89. He submitted that he is entitled to get his promotion as Scraper crew/Banksman in Cat. VI w.e.f.

21-6-89 i.e. from the date of interview. He in support of his claim relied on the order issued by the management which during his evidence was marked as Ext. W-1. He submitted that the post of Banksman/Scrapper comes under Cat. VI but as the management refused to provide him Cat. VI he raised industrial dispute. This witness during his cross-examination admitted that he was regularised as Scrapper Crew in Cat. IV on 21-4-79 and further admitted that he was dismissed from service on the allegation of committing misconduct by the management on 29-10-83. He disclosed that after he was dismissed from his service he raised industrial dispute which was registered as Ref. Case No. 91/89 before CGIT No. 1, Dhanbad. He admitted that in course of pendency of hearing of reference case a settlement was entered into and on the basis of that settlement he was reinstated in service. He admitted that w.e.f. 23-6-89 he was re-designated as Banksman but denied the fact that the post of Banksman comes under Cat. IV and not in Cat. VI. On the contrary MW-1 in course of his evidence relied on the service card of the concerned workman and disclosed that the said workman got his appointment on 1-11-76 as temporary worker. He was declared permanent w.e.f. 31-4-77 as Cat. I worker. The service card of the concerned workman during his evidence was marked as Ext. M-1. This witness admitted that on 27-6-78 the concerned workman got his promotion as Scrapper crew in Cat. IV and was placed in Cat. V under S.L.U. w.e.f. 21-4-79. This witness disclosed that on the allegation of committing misconduct the concerned workman was dismissed from his service w.e.f. 29-10-83. Again he was reinstated in service on 27-6-86 as per terms of settlement and was posted as Banksman in Cat. V in the year 1989. The copies of cadre scheme maintained by the management for their employees during evidence of MW-1 were marked as Ext. M-2/1 and M-2/2. Management also relied on the circular issued by them wherein it was pointed out from which period the cadre scheme was implemented. The said circular during evidence of MW-1 was marked as Ext. M-3. The service card marked as Ext. M-1 shows clearly that the concerned workman got his appointment as piece rated worker on 1-11-76 and he was regularised in Cat. I w.e.f. 21-4-77. He was promoted to the post of scrapper Crew in Cat. IV w.e.f. 21-4-79. Considering the facts disclosed in the pleadings of both sides and evidence of MW-1 and WW-1 it transpires that management issued a chargesheet to the concerned workman for committing misconduct and in relation to that chargesheet a departmental enquiry was held against him. It is also admitted fact that the concerned workman as was found guilty as per report of the enquiry officer he was dismissed from his service w.e.f. 29-10-83. It is also admitted fact that over the said order of dismissal the sponsoring union raised an industrial dispute and a reference case was initiated before the Ld. CGIT No. 1 Dhanbad in view of order of reference issued by the Ministry. The number of the said Reference case was 91/89. In course of hearing

both sides admitted that during pendency of that reference case a settlement was entered into between the sponsoring union and the management and on the basis of that settlement Ld. CGIT No. 1, Dhanbad passed award by virtue of which he was reinstated in service w.e.f. 23/24-7-86. Management admitted that with effect from 21-6-89 the concerned workman was redesignated as Banksman in Cat. IV and was upgraded in Cat. V as per SLU. This fact also has not been denied by the concerned workman. The contention of the concerned workman is that initial posting of Banksman/on setter a workman is entitled to get Cat. VI wages. Accordingly he submitted that he is entitled to get his posting in Cat. VI and also entitled to get all benefits therefrom with effect from 21-6-89. Copy of Cadre Scheme for Banksman/Onsetter during evidence of MW-1 was marked as Ext. M-2/1. As per the said cadre scheme the initial appointment as Banksman/Onsetter is in Cat. IV and thereafter he is entitled to get his promotion to Cat. V subject to satisfactory service and 6 years of experience as Banksman/Onsetter in Cat. IV. Promotion for Banksman Operator in Cat. VI is subject to interview and vacancy after completion of 6 years of experience as Banksman/Onsetter in Cat. V. It is admitted fact that the concerned workman got his promotion as Scrapper crew in the Cat. IV on 21-4-79. There is no dispute to hold that during the period from 29-10-83 to 24-7-86 the concerned workman was out of his employment as he was dismissed from his service. After reinstatement in service on the basis of settlement he was transferred to Sujua Colliery and thereafter he was transferred to Jamadoba Colliery with effect from 21-4-88 and thereafter on 21-6-89 management redesignated him as Banksman/Onsetter and upgraded in Cat. V from Cat. IV w.e.f. 21-6-89. The post of Banksman is cadre post and as per cadre scheme a workman in the cadre post is eligible to get his promotion. According to the cadre scheme the concerned workman is eligible to get his next promotion in Cat. VI on successful coming out in interview and also subject to availability of vacancy. However, pre-condition is that he must gain atleast 6 years experience in Cat. V. When the concerned workman on 21-6-89 was upgraded in Cat. V from Cat. VI as Banksman/Onsetter there is no scope to consider his claim to get his promotion on the same day in Cat. VI if the cadre scheme which is followed by the management is taken into consideration. The concerned workman has made two fold allegations against the management. His first allegation is that he got his appointment as temporary worker with effect from 1-11-75 though management disclosed that he got his appointment with effect from 1-11-76 and his second allegation is that as per cadre scheme Banksman/Onsetter is entitled to get his posting in Cat. VI but management refused to provide him with category. Both the allegations brought by the concerned workman have not only been denied by the management categorically but also in support of their claim produced relevant papers. The service sheet marked as Ext. M-1 of

the concerned workman which the management produced in course of evidence of MW-1 has clearly established that he joined in the service of the management as temporary worker at Digwadih Colliery with effect from 1-11-76. Therefore, burden of proof rests on the concerned workman to show that he got his appointment with effect from 1-11-75. In spite of getting ample opportunities in course of hearing neither the sponsoring union nor the concerned workman has failed to produce a single scrap of paper upholding their claim. Accordingly there is no scope at all in absence of any cogent evidence to accept the said contention of the concerned workman to the effect that he got his appointment as temporary worker by the management with effect from 1-11-75 and posted at Digwadih Colliery. Cadre scheme which I have already discussed above clearly speaks that on initial appointment a Banksman/Onsetter is entitled to get his posting in Cat. IV and without getting his posting in Cat. V there is no scope at all to get posting in Cat. VI as Banksman/Onsetter. Therefore, in this case also burden of proof rests on the concerned workman/sponsoring union to establish that initial posting of Banksman/Onsetter is in Cat. VI and not in Cat. IV. Denying the cadre scheme which the management relied on marked as Ext. M-2/1 the sponsoring union has failed to produce any such paper to show that at the initial appointment of Banksman/onsetter a workman is entitled to get his posting in Cat. VI. Therefore, in no circumstances I find any scope to say that the management illegally, arbitrarily refused to provide him the post of Cat. VI as Banksman/Onsetter with effect from 21-6-89.

In view of the facts and circumstances discussed above I hold that the concerned workman/sponsoring union has lamentably failed to establish his claim that he got his appointment by the management on 1-11-75 and management thereafter refused to post him in Cat. VI as Banksman/Onsetter with effect from 21-6-89 illegally, arbitrarily and violating the principle of natural justice. Accordingly I hold that the concerned workman is not entitled to get any relief in view of his prayer.

In the result, the following Award is rendered :—

“The action of the management of Jamadoba Colliery of M/s. Tisco. in denial to correct the date of appointment and to pay the difference of wages of Cat. VI for the period from 21-6-89 to till date in respect of Shri Atique Khan is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2005

का. आ. 65.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय

ईरनाकुलम के पंचाट (संदर्भ संख्या 03/2004 और 04/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2005 को प्राप्त हुआ था।

[सं० एल-12011/124/2004-आई.आर. (बी.-II)]

[सं० एल-12011/131/2004-आई.आर. (बी.-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th December, 2005

S.O. 65.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No.03/2004-04/2004 of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the management of Canara Bank and their workmen, received by the Central Government on 13-12-2005.

[No-L-12011/124/2004-IR(B-II)]

[No-L-12011/131/2004-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM

PRESENT :

Shri P. L. Norbert, B.A., LL.B.,

Presiding Officer

(Monday the 30th day of November, 2005/9th
Agrahayana 1927)

C.R. 3 of 2004 & C.R. 4 of 2004

C.R. No. 3/2004

Workmen : Smt. K.G. Sulochana
Represented by the State Secretary
Canara Bank Employees' Union
P. Balakrishna Menon Smarakom,
Ambujavilasam Road
Tiruvananthapuram-695001.

By Advocate Shri Renjith Thampan

Management : The General Manager
Canara Bank
Circle Office, Spencer Junction,
M.G. Road,
Thiruvananthapuram-695001,

—Chairman

By Advocate Shri R. S. Kalkura

C.R. No. 4/2004

Workmen : Smt. D.S. Mohini
Represented by the State Secretary
Canara Bank Employees' Union
P. Balakrishna Menon Smarakom,
Ambujavilasam Road
Tiruvananthapuram-695001.

By Advocate Shri Renjith Thampan

Management : The General Manager,
Canara Bank,
Circle Office, Spencer Junction,
M.G. Road,
Thiruvananthapuram-695001,
—Chairman

By Advocate Shri R. S. Kalkura

AWARD

These references are made by Central Government under Section 10(1)(d) and (2A) of Industrial Disputes Act, 1947 to this court for adjudication.

2. Since common question of law and facts arise in these cases, parties agreed for a joint trial. Accordingly, these cases are jointly tried and evidence is adduced in CR 4/2004.

The facts in C.R. 3/2004 :

3. The dispute referred in this case is :—

“Whether the demand of the Canara Bank employees’ union before the management of Canara Bank to absorb Smt. K.G. Sulochana, a temporary part-time employee in the regular vacancy of part time employee is proper and justified? If not, what other relief the workman is entitled to ?”

4. The union representing the worker filed a claim statement contending as follows :—

The worker is represented by a registered union of Canara Bank. The union can rightly raise an industrial dispute on behalf of individual worker of the same establishment. Sweeper is an unskilled worker. The Employment Exchanges (Compulsory Notification of Vacancies) Act stipulates that a sweeper being an unskilled worker, such vacancy need not be notified and filled up through Employment Exchange [S-3(b)]. The worker, Smt. K.G. Sulochana was engaged as temporary part-time sweeper continuously in the leave vacancy from 1992 onwards. She was paid her wages and bonus by the bank. She was working as such for the past 12 years intermittently and for the past 16 months continuously. Yet she was not absorbed in the permanent vacancy of the part-time sweeper. It is an unfair labour practice.

5. The management bank filed written statement contending that the union has no locus standi to represent the claimant. Smt. Sulochana is not eligible to become a member of Canara Bank Employees’ Union. Hence, the reference is not maintainable. The bank is following recruitment norms for engaging part-time employees. Unless the applicant conforms to the prescribed norms, he/she cannot be considered for the vacancy. So far as Smt. Sulochana is concerned, she was officiating in the

leave vacancy of Smt. Kalikutty, a permanent part-time employee (PTE) at Valapad. Therefore, Smt. Sulochana does not get any specific right for regular employment. Smt. Sulochana was never appointed by the bank. Smt. Sulochana was engaged by Smt. Kalikutty during her leave periods. The question of termination of service of Smt. Sulochana does not arise. A permanent vacancy arose in Valapad branch of the bank and the vacancy was sought to be filled up through Employment Exchange. As per regular recruitment process of the bank Smt. Sulochana was over-aged and did not conform to the eligibility norms regarding educational qualification. Hence, an employment exchange hand was appointed on 16-4-2004 in the permanent PTE vacancy. There is no unfair labour practice and there was no occasion to raise an industrial dispute.

6. The union filed rejoinder stating that from 10-11-2002 Smt. Sulochana has been working as part-time sweeper continuously on all working days in the Valapad branch of the bank in a permanent vacancy of part-time sweeper. She was given wages on all these days. Thus, she was employed for more than 240 days from 10-11-2002 onwards. This continued until the dispute arose in 2004. The practice that was followed by the bank was to absorb temporary part-time sweepers in the permanent vacancies of part-time sweepers whenever such vacancies arose. This was the procedure followed in the case of one Liza of Olloor branch. Savithri of Kodungalloor branch, Rosa of Kunnamkulam branch, etc. There was no regulation for filling up of permanent vacancy of part-time sweepers through Employment Exchange. Since Smt. Sulochana was already engaged in the temporary vacancy, the educational qualification and the age limit do not apply to her. Smt. Sulochana is entitled for regularization in the permanent vacancy of part-time sweepers.

Facts in CR 4/2004:

7. The dispute referred in this case is:—

“Whether the demand of the Canara Bank employees’ Union before the management of Canara Bank to absorb Smt. Mohini D.S., Temporary Part-time employee in the regular vacancy of part-time employee is proper and justified? If not, what other relief the workman is entitled to?”

8. The claimant, Smt. D.S. Mohini is represented by Canara Bank Employees’ Union. The union filed a statement to the following effect:—

Smt. D.S. Mohini was engaged intermittently in the leave vacancy of Smt. Elsy Thomas from 1995 onwards as temporary part-time sweeper in Kadavanthra Branch of the bank. A permanent vacancy arose in November, 2001 when Smt. Elsy Thomas was transferred. From 10-11-2001 till 30-3-2004 she has been working in the permanent vacancy of part-time sweeper continuously. She was working in Kadavanthra branch in the leave vacancy

for 9 years and in the permanent vacancy continuously for 28 months. Yet, she was not regularized. It is an unfair labour practice. Smt. Jayalakshmi from Banerjee Road branch was transferred and posted at Kadavanthra branch denying employment to Smt. Mohini. For 3 years continuously Smt. Mohini was officiating in the permanent vacancy. Her services were terminated in violation of the procedure. This caused an industrial dispute. The rest of the contentions are similar to those in CR 3/2004.

9. The management filed written statement contending besides the common aspects mentioned in the written statement in CR 3/2004, that while regular part-time employee of Kadavanthra branch, Smt. Elsy Thomas was transferred and posted at Eror branch, Smt. L. Jayalakshmi, PTE of Banerjee Road branch, Ernakulam was posted in her place on transfer by way of re-deployment. As per the prescribed norms of the bank, whenever there is a surplus PTE in city limits that person has to be re-deployed within the city branches. Therefore, no vacancy had really arisen in Kadavanthra branch. Even now, Smt. Mohini is being engaged in the leave vacancy of Smt. Jayalakshmi. Eligibility norms are prescribed for recruitment to the regular vacancy and not for casual engagements. There was no occasion to consider the eligibility of Smt. Mohini to the permanent vacancy as no such vacancy had arisen. Smt. Mohini was never appointed by the bank. She was engaged by the permanent part-time sweeper, Smt. Elsy Thomas. Hence, she does not have any right for regularization.

10. In the light of the above contentions, the following common points arise for consideration:—

- (i) Is the reference maintainable?
- (ii) What, if any, is the right that temporary PTEs have acquired during their service in the bank?
- (iii) Are they entitled to be regularized?
- (iv) Reliefs & costs.

Point No. 1 :—

11. According to the management, the Canara Bank Employees' Union has no locus standi to represent Smt. K.G. Sulochana and Smt. D.S. Mohini. In para 4 of the written statement the management contends that these workers are not eligible to become members of Canara Bank Employees' Union. Hence the union cannot espouse the cause of these workers. According to them, there is no industrial dispute but only an individual dispute and hence the reference is not maintainable. It is to be noted that the management has no plea that these workers are not members of the union, but they contend that they are not eligible to become members. Whether they are eligible or not, is for the union to consider. It was argued by the learned counsel of the union that in order to take up the cause of employees it is not essential that they should be

members of the union. It is enough that a group of workers raise an industrial dispute on behalf of aggrieved workers. It is also not essential that the union of the same establishment should take up the cause of workers of that establishment. It can be done by another union belonging to the same industry, but not necessarily the same establishment. The learned counsel found support for his argument in *Workmen v. M/s Dharam Pal* AIR 1966 SC 182. It has come out in evidence and admitted by the union that the workers in this case became members of the union only after they started working in the permanent vacancy of PTE. But it is not necessary that workers should be members of a union at the time when cause of action arose, but need be so only at the time of reference. The position is clarified in *Western India Watch Co. v. its Workmen* AIR 1970 SC 1205. The trend of decisions in interpreting S. 2(k) of ID Act has been liberal and not rigid. Smt. Mohini was examined as WW1. She stated in the cross-examination that she is a member of the union. WW2 is the Vice-Chairman of the union. He also stated that both Smt. Mohini & Smt. Sulochana are members of the union. Since permanent vacancy arose both of them started working in the permanent vacancy at Kadavanthra and Valapad branches from 10-11-2001 and 1-11-2002 onwards respectively. There is a separate membership register for part-time workers in the Thiruvananthapuram office of the union. Since the management has not demanded production of the register it is not produced. I have already mentioned that there is no specific plea in the written statement of the bank that these workers are not members of the union but the plea is that they are not eligible to become members. In the light of the decisions referred above and in view of the vague contention in the written statement of the bank, I find that the union is competent to espouse the cause of PTEs in these cases and there is an industrial dispute. Hence, the reference is legal and proper. Point is answered accordingly.

Point Nos. 2 & 3:

12. Smt. K.G. Sulochana was working in the leave vacancy of Smt. N.K. Kalikutty from 1-12-1992 onwards as temporary part-time sweeper at Valapad branch of the bank. It can be seen from Ext. X11 Daily Wage Register. A permanent vacancy of part-time sweeper arose in November, 2002 when Smt. Kalikutty was promoted as sub-staff. Smt. Sulochana was continued as part-time sweeper in the permanent vacancy. She was paid wages from November, 2002 to 1-4-2004 for more than 240 days. This can be seen from Ext. X11 & X12 Daily Wage Registers. Meanwhile, another person from Employment Exchange was appointed to the post of Sweeper in Valapad branch by Ext. X13 order on 16-4-2004. Since Smt. Sulochana disputed the appointment the candidate from Employment Exchange was there only for 10 days. Thereafter Smt. Sulochana is continuing to serve as temporary PTE.

13. Smt. D.S. Mohini was officiating in the leave vacancy of Smt. Elsy Thomas in Kadavanthra branch from 1995 onwards. This can be seen from Ext. X10 Daily Wage Register of Kadavanthra branch. In November, 2001 a permanent vacancy arose in Kadavanthra branch as Smt. Elsy Thomas was transferred to Ollur branch. Smt. Mohini worked in the permanent vacancy continuously till 30-3-2004 for 800 days. Then, Smt. L. Jayalakshmi from Banerjee Road branch, Ernakulam was transferred to Kadavanthra on re-deployment. Ext. X10 shows that Mohini worked in the place of Smt. Elsy Thomas till November, 2001 and thereafter independently in the permanent post of part-time sweeper till 30-3-2004. Ext. X9 is copy of bonus paid register which reveals that Smt. Mohini received bonus till 2004.

14. Though Smt. Sulochana and Smt. Mohini were temporary part-time sweepers, they had worked for more than 240 days in an year and hence they are workmen coming under S.2(s) of ID Act. In *Director, Tourism Department v. Industrial Tribunal 2005(1)KLT 320* a Division Bench of Kerala High Court, while dealing with a case of temporary sweeper employed on daily wages in the Guest house coming under Tourism Department, held that though the sweeper was a daily-rated worker she had worked continuously for about 4 years and her services cannot be terminated without complying with S.25F of I.D Act as it would amount retrenchment under S.2(oo) of the Act. Therefore, the award of the Tribunal ordering reinstatement of the sweeper was upheld by the Hon'ble High Court. In another decision of Kerala High Court reported in 1983 KLT SN 23 (Case No. 38) *Lalithakumari v. Divisional Engineer (Cables)* it was held by his Lordship M.P. Menon J. that a person who is appointed to do manual work for wages whether full-time or part-time, it is employment for the purpose of Industrial Disputes Act, as a workman. Hence, her services cannot be terminated without compliance with S.25F of the Act. She should be treated as continuing in service. It was held in *Executive Engr., Electricity Distribution Divn., UPSEB v. Hydro Electric Employees' Union (1999) 1 SCC 253* that six coolies who had rendered uninterrupted service for 240 days in a given year were entitled to be regularized. In *Gujarat Agricultural University v. Rathod Labhu Bechar (2001) 3SCC 574* the Hon'ble Supreme Court held that labourers engaged on daily-rated basis and who had put in long years of service, are to be regularized in accordance with rules and if necessary by appointment. In *Bhagwati Prasad v. Delhi State Mineral Development Corpn. AIR 1990 SC 371* it was observed that the initial minimum educational qualification prescribed for the different posts is undoubtedly a factor to be reckoned with, but it is so at the time of the initial entry into the service. Once the appointment of petitioners were made as daily-rated workers and they were allowed to work for a considerable length of time, it would be hard and harsh to deny them

the confirmation in the respective posts on the ground that they lack the prescribed educational qualification.

15. It was argued by the learned counsel for the management that part-time sweepers in these cases have no right whatsoever either to continue in service or for regularization. They were officiating in the leave vacancies arranged by the permanent employees. The bank had not engaged them. The bank had also not promised absorption in permanent vacancies. However, the bank has no objection in their continuing to officiate in leave vacancies. To substantiate the contention that temporary PTEs do not acquire any right for regularization the learned counsel relied on *Ex. Engr., ZP Engg. Divn. v. Digambara Rao AIR 2004 SC 4839*. In that case it was held that workers employed in a particular scheme work will not get any right for regularization even if they have completed continuous service for 240 days in a year. But the decision can be distinguished as the employment was in a project work. When the project is completed the work comes to an end and so does the service of employees. It cannot be equated with continuous employment in an establishment like bank where the service of sweeper is of regular nature. In *Zakir Hussain v. Engr. in Chief, Irrigation Dept. 1994 1 LLJ 5 (All)* relying on the Supreme Court decision it was held by Allahabad High Court that for regularization of an ad hoc employee or a daily wager there must be regular and permanent post and the persons should be qualified for the post. An ad hoc employee cannot claim regularization as a matter of right. It is for the employer to decide depending upon the facts and circumstances of the case (para 7). It is also to be noted that in para 13 of the judgment it is observed that in case an employee has worked for several years in the post, it may be appropriate for the employer to consider the desirability of relaxing eligibility qualifications. In the instant cases, there is permanent vacancy and the persons were working in the post for long time. In *A. Umarani v. Registrar, Cooperative Societies (2004) 7 SCC 112* the question was with regard to regularization of service of persons appointed in cooperative societies in the state of Tamil Nadu. The Hon'ble Supreme Court held that appointments made against statute without notifying the vacancies to the employment exchanges and without following the mandatory provisions of the Tamil Nadu cooperative Societies Act and Rules and reservation rules, were illegal and such employees cannot be regularized in service. The ruling has no application in the instant case as there is no violation of any statute or any appointment of part-time sweepers through back door. In *Delhi Development Horticulture Employees' Union v. Delhi Administration 1992 1 LLN 939 = (1992 11-LLJ 452)* some persons were employed on daily wages by District Rural Development Agency for implementing yojana funded by Central Government. Subsequently the project was handed over to Village Panchayats for implementation and District Rural

Development Agency ceased to function for the purpose of implementing the programme. The persons who worked for more than 240 days under District Rural Development Agency claimed regularization in service. It was turned down and the Hon'ble Supreme Court held that in the facts and circumstances of the case the request of petitioner workers cannot be conceded and they cannot be regularized. It is to be noted that the employer had changed during the period of implementation of the programme. Therefore, the former employer cannot be asked to regularize the temporary workers in the project continued by another employer. Moreover, it was a project work. This case cannot be equated with the cases on hand.

16. Smt. Sulochanan and Smt. Mohini have been working, though as temporary part-time sweepers, continuously for more than 240 days against permanent vacancies and prior to that for many years in the leave vacancies of permanent part-time sweepers. Thus they are workmen as per S-2(s) of the Act their services cannot be dispensed with except in accordance with the procedure prescribed in the Industrial Disputes Act.

17. The next question is whether they have a right to be absorbed in the permanent vacancies of part-time sweeper. It is not in dispute that permanent vacancies arose both in Valapad and Kadavanthra branches of the Canara Bank from 2002 November and 2001 November respectively. According to the management, though permanent vacancies arose because of promotion of a permanent employee from Valapad branch and transfer of another employee from Kadavanthra branch, Smt. Sulochana and Smt. Mohini were not qualified to be considered to the permanent post of part-time sweepers. The bank has procedural norms for selecting daily wage workers as well as regular employees. There are three grades of PTEs, i.e. 1/3rd scale, 1/2 scale, and 3/4 scale. Exts. M2 & M4 are recruitment norms for PTEs published on 23-12-1993 by Canara Bank. Ext. M1(a) dtd. 5-10-2000 is a circular containing revised recruitment norms of part-time employees. It may be noted that by some oversight the bank has produced 1st page of recruitment norms separately (Ext. M4 2nd page). This might have happened while taking photostat copies. The same covering letter is the 1st page of Exts. M2 & M4. But, actually 2nd page of Ext. M4 is the 1st page of recruitment norms 1993. Ext. M2 contains Recruitment Norms from 2nd page onwards only. As per Exts. M2 & M4, the age limit for temporary PTE is between 18-22 years and for regular PTE 18-26 years. The maximum educational qualification for regular PTE is 5th Standard. Ext. M1(a) refers mainly to the procedure for promotion of PTE from 1/3rd scale to 1/2 scale and 1/2 scale to 3/4th scale. The consequential vacancy that arises in the lowest scale, i.e. 1/3rd scale is to be filled up by regular recruitment process which is provided in Exts. M2 & M4. But according to the management as per Exts. M2 & M4 Smt. Sulochana and Smt. Mohini are not eligible

because of age bar. But, the learned counsel for the union points out that bank has seldom followed Exts. M2 and M4 norms and there are several instances of absorption of temporary PTEs in permanent posts. It is only in the case of Smt. Sulochana and Smt. Mohini that the bank deviated from the usual practice denying them regularization. It is an unfair labour practice as both of them were serving the bank for a long time as PTEs. To support the contention he has drawn the attention of the Court to exhibits X 1 to X8 documents.

18. Ext. X1 is photostat copy of Daily Wage Register of PTEs of Kodungallur branch. There one Smt. Savitri was officiating as PTE in the leave vacancy for some time. When permanent vacancy arose she was absorbed as part-time sweeper. Ext. X2 is the file relating to her absorption. Ext. X2 file shows that the date of birth of Smt. Savitri 15-11-1961. She was appointed in the permanent post on 18-2-2003. (Ext. X2). At that time she was aged 42. But, as per Exts. M2 & M4 norms, the age limit is 26. Ext. X3 is Daily Wage Register of PTEs of Kunnankulam branch and Ext. X4 is the file concerning the appointment of Smt. C. P. Rosa (alias Rosily) as PTE in Kunnankulam branch in the permanent post. The appointment was on 31-7-2000. She was officiating in the leave vacancy from 1995 onwards. Details of age and qualifications are not produced by the bank alongwith the file Ext. X4. So, there is no way to know whether she was over-aged or not. Ext. X5 is Daily Wage Register of PTEs of Thrissur branch and Ext. X6 is the file relating to regularization of PTE who was officiating in the leave vacancy of PTE in Thrissur branch. Smt. Kochutresia (alias Teresa) was working since 1996 in Thrissur branch in the leave vacancy. As per order dated 18-2-2003, Smt. Kochutresia was absorbed in the permanent vacancy. Her date of birth is 15-1-1961. Thus at the time of appointment in the permanent vacancy she was aged 42. Ext. X7 and Ext. X8 are similar documents relating to Ollur branch. In that case, Ms C.A. Liza, who was officiating in leave vacancy since 1998, was absorbed in the permanent vacancy of part-time sweeper as per order dated 17-6-2004. Her date of birth is 4-4-1970. Therefore, at the time of appointment she was aged 34. In all these cases the bank did not follow the recruitment norms. But the reply of the management is that all these vacancies arose prior to Ext. M1(a) circular dated 5-10-2000 and hence bank was not required to follow Ext. M1(a) but only Exts. M2 & Ext. M4. As per Ext. M1(a) the revised norms are applicable only to those vacancies which arose on or after 1-10-2000. Assuming that the vacancies at Kodungallur, Kunnankulam, Thrissur and Ollur arose prior to 1-10-2000 [Ext. M1(a)] still the temporary PTEs were not absorbed till very late in 2003-04. Going by the case of bank if 1993 norms alone were applicable to the above PTEs still they were over-aged at the time of regularization. In the case of Smt. Kochutresia, a permanent vacancy had not arisen in the year 2000 but only subsequently as seen from Ext. X5. If so, the bank had to follow Ext. M1 (a) for appointment.

Ext. M1(a) itself shows that the procedure in vogue for filling up the regular vacancy of PTEs is by absorption of candidates officiating in leave vacancies in the same branch or by recruitment from employment exchanges. Page 2 of Ext. M1(a) clause (c) says that when there is promotion of a PTE in the lowest scale the consequential vacancy is to be filled up by regular recruitment process. The regular recruitment process is provided in Exts. M2 & M4. But, bank did not follow it in the case of Smt. Kochuthresia.

19. From Ext. M1(a) it is very clear from page 2, Clause 'c' that in cases when permanent vacancy arises in the last scale of PTE, i.e. 1/3rd scale, it has to be filled up by the regular recruitment process. M1(a) is silent about the regular recruitment process. It is provided in Ext. M2 & Ext. M4. As Exts. M2 & M4 the regular recruitment process of PTE vacancies (clause 'c' of Ext. M2) is by calling for candidates from Employment Exchange. It is also provided in the same clause that if any person has been working in leave vacancies, he/she also may be considered for absorption if found suitable and if he/she had been working in leave vacancies for a long period. In such cases the Dy. General Manager has the authority not to call for candidates from Employment Exchange. Ext. M1(a) is a circular meant for giving guidelines for the procedure of promoting regular PTEs in the last scale (1/3rd) to higher scales of PTEs (1/2 & 3/4th). Ext. M1(a) does not contain procedure for regular recruitment. In any case, for appointing temporary PTEs as well as regular PTEs there were norms already set by the bank in 1993 and prior. Even for employing temporary PTEs (casual workers), the bank had to follow Exts. M2 & M4 norms which prescribe age limit and educational qualification. It is to be remembered that when Smt. Sulochana and Smt. Mohini were allowed to work in the permanent PTE vacancies from 2002 November and 2001 November respectively, the bank had to follow the norms in Exts. M2 & M4. If they had followed strictly the norms, there was no chance for allowing these two PTEs to continue in service. The same was the case of the persons absorbed in Kodungallur, Kunnankulam, Thrissur and Ollur branches. Having set a practice of absorption of temporary PTEs officiating on leave vacancies for long period, and going by the norms in Ext. M4 as well as Ext. M1 (a), the candidature of officiating PTEs in leave vacancies has to be considered, in preference to candidates from employment exchange.

20. The main objection of the bank as submitted by the counsel for management is that both Smt. Sulochana and Smt. Mohini were over-aged at the relevant time for absorption in the regular posts. Having served the bank as temporary PTEs in leave vacancies for long periods and in permanent vacancies for 2-3 years it is meaningless to say that these PTEs do not conform to the norms of recruitment due to age bar. If it were so, when permanent vacancies arose they could not have been allowed to officiate because they were over-aged. The bank waited

2-3 years to appoint somebody else in the permanent vacancies of PTEs at Valapad and Kadavanthra branches. It was submitted by the learned counsel for the management that since there was a dispute raised by these PTEs, the vacancies could not be filled up. At the same time, the witness on the side of the bank, MW1 admits that there was no dispute raised by the PTEs before any legal forum but only before the officers of the bank. This did not legally prevent the management from filling up vacancies. But, they did not do so and allowed the PTEs in question to continue in the permanent vacancies of PTEs for 2 years in the case of Smt. Sulochana and 3 years in the case of Smt. Mohini. The age bar is to apply to candidates from Employment Exchange considered for recruitment and not persons who had officiated in leave vacancies. Even otherwise, the DGM has the authority to relax the age criteria. The bank has no case that Smt. Sulochana and Smt. Mohini have not rendered satisfactory service in the past or their conduct is tainted. It was improper in not considering these two PTEs for absorption in the permanent posts as and when they arose. The Daily Wage Register and the Bonus Register show that Smt. Sulochana and Smt. Mohini were paid wages and bonus while working as PTEs in the permanent vacancies, but without regularization. They worked more than 240 days to be precise, 510 days in case of Smt. Sulochana and more than 800 days in case of Smt. Mohini. Though they were daily-rated workers they were working continuously for long periods against permanent vacancies. Thus, they have become workers u/s 2(s) of the Act. Apart from their candidature has to be considered by the management for absorption as there is no adverse remarks against them. There is no logic in saying that they were fit for the work for many years from 1995 onwards but became unfit in 2001 or 2002 when permanent vacancies arose. The management has no case that these PTEs are physically or mentally unfit or their conduct is not satisfactory. They tried to avoid the PTEs on lame excuses. It is an unfair labour practice and cannot be countenanced in a court of law. Hence, they are to be absorbed in the regular posts.

21. In the case of Smt. Mohini it was submitted by the management that as per Ext. M1(a) if there is any surplus permanent PTE in any of the branches in the city they are to be accommodated in the vacancies that arise in any of the branches in the city. That is why, from Banerjee Road branch Smt. L. Jayalakshmi was transferred to Kadavanthra branch. It is to be noted that vacancy in Kadavanthra branch arose in November, 2001. But Smt. Jayalakshmi was transferred from Banerjee Road branch (management says that it was on re-deployment) in March, 2004. If there was surplus in Banerjee Road branch why was she not transferred as and when vacancy arose in Kadavanthra branch is to be explained by the bank. No records are produced to show exactly when did surplus-

age in Banerjee Road branch arose. If it happened after November, 2001, then the bank cannot be justified in saying that there was difficulty in considering the candidature of Smt. Mohini in the permanent vacancy. It appears that the bank dragged on the matter until there was surplus-age in Banerjee Road branch to deny employment to Smt. Mohini. It is unfair. The decision referred in para 14 i.e. (1999) 1 SCC 253, (2001) 3 SCC 574 and AIR 1990 SC 371 support this view.

22. For all the above reason I find that the services of Smt. Sulochana and Smt. Mohini, who had been working for more than 240 days continuously against permanent vacancies of PTEs at Valapad and Kadavanthra branches, cannot be dispensed with except in accordance with the procedure prescribed by ID Act. Both of them are suitable candidates as per norms of the bank and they are to be absorbed against permanent vacancies that arose in 2002 and 2001 respectively in Valapad and Kadavanthra branches of the bank. However, since the vacancy has been pending for over 3 years it may not be appropriate to order payment of back wages. Point is answered accordingly.

Point No. 4: (see award portion)

23. In the result, an award is passed allowing the claim of Smt. K.G. Sulochana and Smt. D.S. Mohini for absorption in the permanent vacancies of PTEs in Valapad and Kadavanthra branches respectively. The bank will issue appointment order within six weeks from the date of publication of the award u/s 17 of ID Act, failing which the PTEs concerned will be entitled to get salary at 1/3rd scale and other benefits from the date of expiry of six weeks aforesaid. Parties will suffer their respective cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 30th day of November, 2005.

P.L. NORBERT, Presiding Officer

APPENDIX

Witness for the worker :

WW1—D.S. Mohini—25-10-2005

WW2—C.D. Josson—27-10-2005.

Witness for the management :

MW1—B. Hari—27-10-2005.

Exhibit for the worker :

W1 — Photocopy of letter dated 27-1-2004 issued to Smt. Sulochana from the ALC (C), Kakkanadu, Ekm.

Exhibit for the management :

M1 — Photocopy of minutes of joint conference dated 9-6-2000.

M1(a) Circular issued from Head Office, Canara Bank dated 5-10-2000.

M2 Photocopy of guidelines issued by the management dated 23-12-1993.

M3 Photocopy of Annexure — II of the guidelines dated 23-12-1993.

Exhibits of the Court

X 1 — Photocopy of Daily Wage Register of PTEs of Kodungallur Branch.

X 2 — Photocopy of relevant documents pertaining to regularization of PTE of Kodungallur branch.

X 3 — Photocopy of Daily Wage Register of PTEs of Kunnamkulam branch.

X 4 — Photocopy of relevant documents pertaining to regularization of PTE of Kunnamkulam branch.

X 5 — Photocopy of Daily Wage Register of PTEs of Thrissur branch.

X 6 — Photocopy of relevant documents pertaining to regularization of PTE of Thrissur branch.

X 7 — Photocopy of Daily Wage Register of PTEs of Ollur branch.

X 8 — Photocopy of relevant documents pertaining to regularization of PTE of Ollur branch.

X 9 — Photocopy of Bonus Paid Register of Kadavanthra branch.

X 10 — Photocopy of Daily Wage Register of PTEs of Kadavanthra branch.

X 11 — Photocopy of Daily Wage Register of PTEs of Valapad branch.

X 12 — Photocopy of Daily Wage Register of PTEs of Valapad branch.

X 13 — Photocopy of appointment order of PTE of Valapad branch.

नई दिल्ली, 14 दिसम्बर, 2005

का. आ. 66.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ ईस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. I, धनबाद के पंचाट (संदर्भ संख्या-117/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2006 को प्राप्त हुआ था।

[सं० एल-41012/14/80-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 14th December, 2005

S.O. 66.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 117 of 1990) of the Central Government Industrial Tribunal No. I, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South Eastern Railway and their workmen, which was received by the Central Government on 13-12-2005.

[No. L-41012/14/80-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I DHANBAD.

In the matter of a reference U/s. 10(1)(d) of I. D. Act.

Reference No. 117 of 1990.

PARTIES: Employers in relation to the management of South Eastern Railway, Adra Division.

AND

Their Workmen

PRESENT: SHRI SARJU PRASAD, Presiding Officer.

APPEARANCES:

For the employers : Shri B.M. Prasad, Advocate.

For the workman : Shri G. Prasad, Advocate.

State : West Bengal. Industry : Railway.

Date, the 24th November, 2005.

AWARD

By order No. L-11012/14/80-D. II(B) dated 10-5-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of South Eastern Railway in combining the seniority lists of

Ministerial and non-Ministerial Clerks in the scale of Rs. 80-220-(PS) was justified? If not, to what relief Shri K. Balakrishna Pillai, Non-Ministerial Clerk is entitled?”

2. The case of the concerned workman, K. Balakrishna Pillai, is that he was appointed on 26-5-1957 as Roster Clerk in the pay scale of Rs. 60-130/- and was posted at Anara Station of South Eastern Railway, Adra. He was working in the same capacity and in the year 1960 he was given upgradation of scale with retrospective effect in the scale of Rs. 80-220 as Senior Clerk. According to him, as per circular of the South Eastern Railway Extra Ordinary Gazette No. 3 dated 22-3-57 the office clerks other than those in Accounts Department should be combined with following pay scales :—

- (i) 60% of the total No. of posts in the entire clerical cadre to be placed in pay scale of Rs. 60-130/-.
- (ii) 30% of the total No. of posts in the entire clerical cadre to be placed in the scale of Rs. 80-220 and out of this 30%, 20% should be filled up by the candidates having educational qualification of University degree.
- (iii) 7½% of the total No. of posts in the entire clerical cadre to be placed in the pay scale of Rs. 160-250, and
- (iv) 2½% of the post in four scales—Rs. 200-300, Rs. 260-350, Rs. 300-450 and Rs. 360-500/-.

According to him, the total number of posts in clerical cadre as on 1-4-56 the cut off date was 85 in the concerned Division. Therefore, as per the circular of the South-Eastern Railway which has been marked Ext. W-1 51 posts should be of Junior Clerks in the pay scale of Rs. 60-130/-. 25.5 posts of senior clerks in the pay scale of Rs. 80-220/-, 6 posts of Head station clerks in the pay scale of Rs. 160-250 and 2 posts of supervisor in the pay scale of Rs. 200-300/- and out of 25.5 posts of Senior Clerks, 4 posts should have been reserved for graduate Senior Clerks serving or directly recruited. But the Railway management calculated persons of each category in which 58 posts were calculated for junior clerks in pay scale of Rs. 60-130/-, 21 posts of Senior Clerks in the pay scale of Rs. 80-220/-, 6 posts of Head Clerks in the pay scale of Rs. 160-250/- ‘Nil’ post of Supervisor in the pay scale of Rs. 200-300/- and combined the seniority of all the posts of Senior Clerks w.e.f. 1-4-56. As a matter of fact, the concerned workman on his appointment should have been included in the list of Senior Clerk after Sl. No. 21, but he was placed below 43 Senior Clerks in the pay scale of Rs. 80-220/-. The concerned workman has claimed that he should have been directly promoted as Head Station Clerk either w.e.f. 26-5-57 i.e. from the date of his appointment or a little later and need not have to wait for 18 years to be promoted as Head station Clerk as stated. In the result, the concerned workman has claimed promotion as Head Station Clerk w.e.f. the

date of appointment itself or some later date keeping in view that his seniority should have been just below 21 Senior Clerks.

3. The Management of South Eastern Railway has filed a written statement which has not been verified by any Railway Authority and the same has been filed by the lawyer of the Railway without any verification regarding the truthfulness of the contents. It is well established the pleadings must be verified by the concerned person and the written statement filed by a lawyer is no written statement in the eye of law. The South-Eastern Railway Administration has not filed any document nor has examined any witness. The Railway Administration has also not explained the position either in the written statement filed by its lawyer or adduced any oral or documentary evidence. The Railway Administration has not even cross-examined the concerned workman.

4. The concerned workman has examined himself and has produced five items of documents as exhibits in this case. Ext. W-1 is the Circular in question i.e. Extra Ordinary Gazette No. 3 dated 22-3-1957 i.e. before the concerned workman was appointed by the Railway Administration. Ext. W-2 is the order of South-Eastern Railway Administration by which the concerned workman, K. Balakrishna Pillai has been given benefit of upgradation of scale as station Clerk in the scale of Rs. 80-220/- w.e.f. the date of appointment i.e. 26-5-57 under 'New Deal' against 20% posts ear-marked for graduate control clerks and posted at ADR against an upgraded post lying vacant. Ext. W-3 is a letter of South-Eastern Railway addressed to Personnel Officer/Regional Supdt./Distt. Operating Supdt./Distt. Traffic Supdt. of Bilaspur, Chakradharpur, Adra etc. by which implementation instructions have been issued. This letter is dated 3-10-61. Ext. W-4 is calculation of posts in different scales made by the Chief Personnel Officer and issued with concurrence of the Financial Advisor and sanction of the General Manager. This calculation is with respect to Muster and Roster Clerks of Operating Department as on 1-4-56.

5. As per the term of reference the question for adjudication is whether the action of the management of South Eastern Railway in combining the Seniority lists of Ministerial and Non-Ministerial Clerks in the scale of Rs. 80-220/- (PS) was justified? If not, to what relief Shri K. Balakrishna Pillai, Non-Ministerial Clerk is entitled?"

6. Apart from the evidence and documents exhibited in this case many more papers have been filed on behalf of the concerned workman on different occasions, but since those papers have not been admitted in evidence we are not concerned with such documents which have not been exhibited in this case.

7. The most important document is ext. W-1 dated 22-3-57 which has been issued on the basis of Budget

Speech made by the Railway Minister on 23-2-56 and on that basis various benefits have been granted to different Railway staff including the clerks. This document has been filed by the workman himself from which it appears that there is a category of Train Clerks, Commercial Clerks, Clerks of the Accounts Department, Office Clerks other than those in Accounts Department. We are concerned with Office Clerks other than those in the Accounts Department. Para 14 of this Ext. W-1 clearly indicates that it has been decided that the promotion grades of Rs. 80-160 and Rs. 160-220 should be amalgamated into one scale of Rs. 80-220 which will be both a promotion scale from Rs. 60-130 and an entry scale for direct recruits with the minimum educational qualification of a university degree. As a consequence of the merging of two scales, referred to above (Rs. 80-160 and Rs. 160-220) the scale Rs. 160-250 will be introduced. This scale of Rs. 160-250 is meant primarily for application to those charges which, by the nature of the work handled or by virtue of the element of supervision on the work of other clerical staff, involves substantial responsibility.

The distribution of the number of posts in the various grades will be as shown below :—

(i) Rs. 60-130	— 60% of the total No. of post in the entire clerical cadre.
(ii) Rs. 80-220	— 30% Ditto.
(iii) Rs. 160-250	— 7½% Ditto.
(iv) Rs. 200-300	
Rs. 260-350	2 ½% Ditto.
Rs. 300-400	
Rs. 360-500	

It has been clearly mentioned that the new scale Rs. 80-220 will be initially filled on 1-4-56 and 20% of the posts in the new grade Rs. 80-220 will be reserved for direct recruitment from among the candidates with minimum educational qualification of a University Degree. On the initial operation of this grade from 1-4-1956, however, the following procedure will be adopted for filling the vacancies against this 20% quota meant for direct recruitment :—

- (i) The staff to be promoted against the 80% quota for promotion from the grade of Rs. 60-130 should be first nominated in accordance with seniority-cum-suitability. To the extent that there are graduate clerks amongst these, such graduate clerks should be set off against the direct recruitment quota of 20% and an equal number of clerks in the grade Rs. 60-130 who are suitable should be promoted against the 80% promotion quota.
- (ii) The balance of the 20% quota, if any, after setting off a certain number against this quota as explained above, will be filled by giving an

opportunity to all graduates referred to in (i), to offer for a recruitment test which should be arranged by each Railway Administration as quickly as possible, so that arrears from 1-4-1956 may be paid to all those who qualify, without any delay.

8. From the above calculation it is crystal clear that the promotion of junior clerks who are not graduates and the graduate clerks who are either promoted or recruited directly against 20% quota are to form a common group for the purpose of seniority and future promotion. The claim of the concerned workman is that 20% quota for the graduate candidates should be a separate quota is against the circular which was issued prior to the appointment of the concerned workman. Since the circular is before the concerned workman was appointed in the employment of the Railway he cannot challenge that circular and therefore he must be guided by this circular in the matter of seniority and promotion. But the concerned workman claims that he should not be given the benefit of 'New Deal' from the date of his appointment, rather should be given another promotion which is totally fallacy and against the spirit of this circular. Furthermore, according to this circular upgradation of scale from the scale of Rs. 60-130 is to be given w.e.f. 1-4-1956 i.e. more than one year prior to the appointment of the concerned workman, therefore those who are entitled for benefit of upgradation of scale may be graduate or non-graduates must rank senior to the concerned workman. Ext. W-4 calculation has been made by the Railway Administration and the calculation appears to be fully correct. On the basis of this calculation orders were issued on 2-9-60 implementing the upgradation of posts of Station Clerks, Muster Clerks and Roster Clerks under the 'New Deal' of the operating Department as on 1-6-56 and 35 persons have been promoted in the scale of Rs. 80-220 w.e.f. 1-4-56 i.e. prior to the date of appointment of the concerned workman. In this order it has been clearly mentioned that the posting and promotion in the grade Rs. 160-250 will be made separately and the post of graduated clerk can be filled up only by the candidate either by service commission or by the staff who may be declared suitable for the post. It appears that out of 35 persons who have been given promotion in the pay scale of Rs. 80-220, three had already retired, two were not found entitled in the next higher scale and one had refused promotion in the higher scale. The concerned workman has not filed any order from which it appears that the Railway Administration has combined the seniority list of Ministerial or Non-Ministerial Clerks. The concerned workman has also not filed document to show in what manner he has been aggrieved. His claim is totally imaginary, fallacious and not based on factual aspect. Admittedly, before appointment of the concerned workman there were other Senior Clerks in the scale of Rs. 80-220, therefore he cannot claim second promotion on the date of his appointment itself, that will

mean others who are admittedly senior to him have been superseded. The next promotional post from Rs. 80-220 is Rs. 160-250 and the total post available for promotion in this scale is five permanent and one temporary i.e. six posts only and admittedly, according to own pleading and evidence of the concerned workman 21 clerks in the scale of Rs. 80-220 should have been upgraded in the scale of Rs. 80-220 who must be senior to him as per the circular of South Eastern Railway, Extraordinary Gazette No. 3. Therefore, by no stretch of imagination he can claim the post of Head Station Clerk in the scale of Rs. 160-250 on the date of his appointment itself.

9. Thus, from the discussions made above I find that the concerned workman has failed to prove that the management of South Eastern Railway has combined the seniority lists of Ministerial and Non-Ministerial staff and has not been able to show even, *prima facie*, that the Railway Administration has committed any illegality or irregularity in the matter of giving promotion to the detriment of the concerned workman. Therefore, I find that the concerned workman is not entitled for any relief whatsoever. The action of the management in implementing the decision of the Railway Board as published in the Extraordinary Gazette No. 3 is fully justified.

10. In the result, I render following award—

The action of the management of South Eastern Railway is fully justified. The management is justified in the matter of giving seniority and promotion and the concerned workman is not entitled to any relief.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 67.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 60/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल-20012/665/97-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 15th December, 2005

S.O. 67.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/98) of the Central Government Industrial Tribunal/Labour Court Dhanbad-I now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 12-12-2005.

[No. L-20012/665/97-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL-TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/s. 10(1) (d) (2A) of I. D.
Act.

Reference No. 60 of 1998

PARTIES: Employers in relation to the management of
BCCL

AND

Their Workmen

PRESENT: SHRI SARJU PRASAD, Presiding Officer.

APPEARANCES:

For the employers : None.

For the workman : None.

State : Jharkhand. Industry : Coal.

Dated, the 16th November, 2005

AWARD

By order No. L-20012/665/97 (C-I) dated 14-8-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of M/s. BCCL in denying employment to the dependant’s son of Shri Manjur Mian is legal and justified? If not, to what relief the concerned workman’s son is entitled?”

2. This reference case is of the year 1998. But inspite of registered notice being sent to the workman even today (16-11-2005) no written statement has been received. It, therefore, appears that neither the sponsoring union nor the concerned workman is interested to contest the case.

3. In such circumstances, I render a ‘No Dispute’ award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 68.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 132/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल-20012/122/96-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 15th December, 2005

S.O. 68.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 132/97) of the Central Government Industrial Tribunal/Labour Court Dhanbad-I now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 12-12-2005.

[No. L-20012/122/96-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL-TRIBUNAL NO. I, DHANBAD.**

In the matter of a reference U/s. 10(1) (d) (2A) of I. D.
Act.

Reference No. 132 of 1997

PARTIES: Employers in relation to the management of
Koyla Bhawan, M/s. B.C.C. Ltd.

AND

Their Workman

PRESENT: SHRI SARJU PRASAD, Presiding Officer.

APPEARANCES:

For the employers : None.

For the workman : None.

State : Jharkhand. Industry : Coal.

Dated, the 16th November, 2005

AWARD

By order No. L-20012/122/96-IR (C-I) dated 26-6-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the Union that Shri Muni Ram should have been promoted as Head Binder w.e.f. 22-11-1994 is legal and justified? If so, to what relief is the workman entitled?”

2. In this reference case despite notice neither the sponsoring union nor the concerned workman appears till today (16-11-2005) for taking step. This case is pending since the year 1997. It, therefore, appears that neither the sponsoring union nor the concerned workman is interested to contest the case.

3. In such circumstances, I render a ‘No Dispute’ Award in this reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 69.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 62/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल-20012/648/97-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 15th December, 2005

S.O. 69.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 62/98) of the Central Government Industrial Tribunal/Labour Court Dhanbad -I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C C L and their workman, which was received by the Central Government on 12-12-2005.

[No. L-20012/648/97-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference U/s. 10(1) (d) (2A) of I. D. Act.

Reference No. 62 of 1998.

Parties : Employers in relation to the management of Swang Colliery of M/s.C.C. Ltd.

AND

Their workmen.

Present : Shri Sarju Prasad, Presiding Officer

Appearances :

For the Employers : None

For the workman : None

State : Jharkhand. Industry : Coal

Date, the 16th November, 2005

AWARD

By order No. L-20012/648/97-IR (C-1) dated 14-8-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Swang Colliery of C.C.Ltd., Distt. Bokaro by not correcting

the anomaly in fixation of pay in respect of Sri Sant Kumar Singh, Crane Operator, Gr. II (Cat, 'B') under N.C. W.A.-IV is legal and justified? If not, to what relief the workman is entitled?”

2. This reference case is of the year 1998. Despite sending notice to the parties neither the concerned workman nor the sponsoring union appears even to-day (16-11-2005) for taking any step in this case. It, therefore, appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

3. In such circumstances, I render a 'No Dispute' Award in the Present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 70.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 68/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल-20012/639/97-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 15th December, 2005

S.O. 70.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 68/98) of the Central Government Industrial Tribunal/Labour Court Dhanbad -I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 12-12-2005.

[No. L-20012/639/97-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference Under Sec. 10(1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 68 of 1998

Parties : Employers in relation to the management of M/s. B.C.C. Ltd.

AND

Their workmen.

Present : Shri Sarju Prasad, Presiding Officer.

Appearances :

For the employers : None.
 For the workman : None.
 State : Jharkhand. Industry : Coal.

Dated, the 16th November, 2005.

AWARD

By order No. L-20012/639/97-IR(C-I) dated 14-8-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Jealgora Colliery of M/s. BCCL in not regularising S/Shri Shambhoo Singh, Jawaharlal Majhi, Ram Prasad and Ram Bachan in the Time Rated jobs being done by them is legal and justified? If not, to what relief the workmen are entitled?”

2. This reference case is pending in 1998. Despite sending registered notice to the parties neither the sponsoring union nor the concerned workman appears even today (16-11-05) for taking any step in this case. It seems that the are not interested to contest the case.

3. In such circumstances, I render a ‘No Dispute’ award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 71.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद- I के पंचाट (संदर्भ संख्या 64/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था ।

[सं० एल-20012/628/97-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 15th December, 2005

S.O. 71—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/98) of the Central Government Industrial Tribunal/Labour Court Dhanbad -I now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 12-12-2005.

[No. L-20012/628/97-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL NO. I, DHANBAD.**

In the matter of a reference U/s. 10(1) (d) (2A) of the I.D. Act.

Reference No. 64 of 1998.

Parties : Employers in relation to the management of M/s. Central Coalfields Ltd.

AND

Their workmen.

Present : Shri Sarju Prasad, Presiding Officer.

Appearances :

For the employers : None
 For the workman : None
 State : Jharkhand Industry : Coal

Dated, the 16th November, 2005

AWARD

By order No. L-20012/628/97-IR(C-I) dated 14-8-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of N. K Dakra Central Coal Fields Ltd., in withholding two increment of Sri Deopal Munda, Clerk Grade-III for the omission of such duty/job, which he was not to supposed to do, was legal and justified? If not, to what relief the workmen are entitled?”

2. This reference case is of the year 1998. But inspite sending registered notice to the parties neither the sponsoring union nor the concerned workman appears even today (16-11-05) for taking any step. It therefore, appears that they are not interested to contest the case.

3. In such circumstances, I render a ‘No Dispute’ award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 72.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद I के पंचाट (संदर्भ संख्या 287/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था ।

[सं० एल-20012/176/2000-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 15th December, 2005

S.O. 72.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 287/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workmen, which was received by the Central Government on 12-12-2005.

[No. L-20012/176/2000-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/s. 10(1)(d) (2A) of the I.D. Act.

Reference No. 287 of 2000

PARTIES: Employers in relation to the management of M/s.C.C. Ltd.

AND

Their workmen.

PRESENT: Shri Sarju Prasad, Presiding Officer.

APPEARANCES:

For the Employers : None.

For the Workman : Shri D. Mukherji, Advocate.

State : Jharkhand. Industry : Coal.

Date, the 11th November, 2005

AWARD

By order No. L-20012/176/2000-IR(C-1) dated 27-9-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Hon'ble Tribunal :

"Whether the action of the management of Argada Colliery of M/S. C.C. Ltd. P.O. Argada, Dit. Hazaribagh to dismiss the service of Shri Meghnath "Drillman" is legal and justified? If not, to what relief is the workmen concerned entitled?"

2. In this case to-day was the date fixed for evidence of the workman, but Shri D. Mukherjee, Advocate, appearing on behalf of the workman files a petition duly signed by the workman praying that he does not intend to contest the case and as such a 'No Dispute' Award be passed.

3. In view of such submission being made on behalf of the concerned workmen, I render a 'No Dispute' Award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 73.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I, के पंचाट (संदर्भ संख्या 14/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल- 20012/483/97-आई.आर.(सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 15th December, 2005

S.O. 73.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 12-12-2005.

[No. L-20012/483/97-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/s. 10(1)(d) (2A) of the I.D. Act.

Reference No. 14 of 1999

PARTIES: Employers in relation to the management of B.C.C.L. Ltd

AND

Their workmen.

PRESENT: SHRI SARJU PRASAD, Presiding Officer.

APPEARANCES:

For the Employers : Shri H. Nath, Advocate.

For the Workman : None.

Date, the 10th November, 2005

AWARD

By order No. L-20012/483/97-IR(C-1) dated 27-1-1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of M/S. BCCL in dismissing the workman Sri Sangam Soren from the services is legal & justified? If not, to what relief is the concerned workmen entitled to?"

2. In this case in spite of notice being issued to the sponsoring union no one appears for the workman. Therefore, it seems that the workman is not interested to contest his case.

3. In such circumstances, I render a 'No Dispute' Award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 74.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद II के पंचाट (संदर्भ संख्या 85/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल-20012/52/2004-आईआर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 15th December, 2005

S.O. 74.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.85/2004) of the Central Government Industrial Tribunal/Labour Court Dhanbad II now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CCL and their workmen, which was received by the Central Government on 12-12-2005.

[No. L-20012/52/2004-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute U/s. 10(1)(d) of the I.D. Act, 1947

Reference No. 85 of 2004

Parties : Employers in relation to the management of Saunda 'D' Colliery of M/s. CCL and their workmen.

Appearances :

On behalf of the workmen : None
On behalf of the employers : Mr. D. K. Verma, Advocate.
State : Jharkhand. Industry : Coal.

Dated, the 24th November, 2005.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under section

10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/52/2004-IR(C-1), dated, the 28th June, 2004.

SCHEDULE

"Whether the action of the management of Saunda 'D' Colliery under Barka-Sayal Area of M/s. CCL, P.O. Saunda 'D' Distt. Hazaribagh in not giving employment to the dependent son, Sri Nawranghi Bhuiya of Sri Kameshwar Bhuiya, Ex-PIR Wagon Loader is proper and justified? If not, to what relief is the said dependent son of the deceased workman entitled?"

2. In this case neither the concerned workman nor his representative is found present. No written statement was filed on their behalf. Management, however, made appearance through their authorised representative. It transpires from the record that the instant reference is pending for disposal since 18-10-2004. It further transpires from the record that notices and show cause notice were issued to the concerned workman/union consecutively by registered post. In terms of Rule 10(B) of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file a statement of claim complete with relevant documents, list of reliance and witnesses before the Tribunal within fifteen days from the receipt of the order of reference. The concerned workman/union not only violated the above rules but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of the case. Under the circumstances, this Tribunal also finds no ground to adjourn the case *suo moto* for causing appearance of the workman/sponsoring union for dates together. Hence, the case is closed and a 'No Dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B.BISWAS, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 75.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद II के पंचाट (संदर्भ संख्या 147/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल-20012/268/2000-आईआर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 15th December, 2005

S.O. 75.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 147/2000) of the Central Government Industrial Tribunal/Labour Court Dhanbad II now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 12-12-2005.

[No. L-20012/268/2000-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute U/s. 10(1) (d) of the I.D. Act., 1947.

Reference No. 147 of 2000

Parties : Employers in relation to the management of Dhansar Colliery of M/s. BCCL and their workmen.

Appearances :

On behalf of the workman : Shri R.P. Shukla,
Representative of
the workman.

On behalf of the employers : Shri U.N. Lal, Ld.
Advocate.

State : Jharkhand. Industry : Coal.

Dated, Dhanbad, the 23rd November, 2005

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide Order No. L-20012/268/2000(C-1), dated, the 25th October, 2000.

SCHEDULE

“Whether the action of the management of Dhansar Colliery of M/s. BCCL, in denying the T&S Grade ‘D’ to Sri Upendra Singh w.e.f. Oct. 1994 while placing him as Jr. Data Entry Operator is fair and justified? If not, to what relief is the concerned workman entitled?”

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows:

The sponsoring union submitted that the concerned workman initially was appointed as General Mazdoor in Cat. I at Dhansar Colliery. Thereafter by the order of the management vide No. BCCL/KOCP/DH/F-92/78

dt. 6/9-7-92 he was placed in Training as Data Entry Operator for a period of 15 days with stipulation that in case his performance is found satisfactory he will be allowed to work as such for one year and thereafter his case for regularisation will be considered.

They submitted that on successful completion of one year's training the concerned workman was regularised as Junior Data Entry Operator in Tech. & Supervisory Gr. E with effect from 15-10-94 with notional seniority in the grade from July '93 vide office Order No. BCCL/DH/F-94/1562 dt. 15-10-94.

They alleged that denial of placing the concerned workman in Tech. & Sup. Grade ‘D’ on his placement as Jr. Data Entry Operator on completion of one year training contravening the provision of the Cadre Scheme formulated by JBCCI and Circulated under Implementation Instruction No. 48 dt. 22-7-85 was absolutely illegal and arbitrary. Accordingly the concerned workman submitted representation to the management to provide him the proper grade but to no effect and for which he compelled to raise Industrial Dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The sponsoring union accordingly submitted prayer to pass award directing the management to place the concerned workman as Data Entry Operator in Tech. & Supervisory Gr. D from July 1993.

3. Management on the contrary after filing written statement cum rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman initially got his appointment at Dhansar Colliery as underground mazdoor. Subsequently, on his request he was allowed to work on Computer Print Out system for 15 days as trainee on purely temporary basis with the stipulation that in case his performance is found satisfactory he would be allowed to work as such for one year and thereafter his case for regularisation would be considered otherwise he would be reverted back to his original assignment as underground mazdoor and he would not be paid any extra wages or allowances for the said training period. The decision of the management was communicated to him vide office order No. BCCL/KOCP/DH/F/92/781/ dt. 6/9-7-92.

Thereafter the concerned workman was regularised along with other employees of C.H.P. Dhansar Colliery as Junior Data Entry Operator in Gr. E. vide office order No. BCCL/DH/F/94/1562 dt. 12/15-10-94. By the same order his notional seniority was fixed from July, 93.

They submitted that as per Cadre Scheme the entry point in E.D.P. is T&S Gr. ‘E’ and the next promotion is in T&S Grade ‘D’ and onwards on availability of vacancy.

Accordingly they submitted that the management did not commit any illegality or took any arbitrary decision to place the concerned workman in T&S Gr. 'E' after completion of his training as per Cadre Scheme and for which he is not entitled to get any relief in view of his prayer.

4. POINTS TO BE DECIDED.

"Whether the action of the management of Dhansar Colliery of M/s. BCCL in denying the T&S Grade 'E' to Sri Upendra Singh w.e.f. Oct. 1994 while placing him as Jr. Data Entry Operator is fair and justified? If not, to what relief is the concerned workman entitled?"

5. FINDING WITH REASONS

It transpires from the record that the sponsoring Union with a view to substantiate their claim examined the concerned workman as W.W.I. Management also in support of their claim examined one witness as M.W.I.

Considering the facts disclosed in the pleading of both sides and also considering evidence there is no dispute to hold that initially the concerned workman got his appointment at Dhansar Colliery as Underground Mazdoor. It is admitted fact that management allowed the concerned workman to work on Computer Print Out for 15 days as Trainee purely on temporary basis with the stipulation that if his performance was found satisfactory he would be placed under training for one year further and thereafter his case for regularisation would be considered otherwise he will be reverted back to his original post. The decision of the management was communicated to the concerned workman vide office order No. BCCL/KOCP/DH/F/92/781 dt. 6/9-7-92 Exht. W-1. Considering the evidence on record there is no dispute to hold that the concerned workman completed his one year training in Computer Data Processing successfully and for which after completion of successful training management by office order No. BCCL/DH/F/94/1562 dt. 12/15-10-94 regularised him in T&S Grade E with notional seniority from July, 93. The office order to this effect during evidence of W.W.I. was marked as Exht. W/2.

It is the contention of the sponsoring union that in view J.B.C.C.I Circular which was circulated as per implementation Instruction No. 48 dt. 22-7-95 the management was liable to place the concerned workman in T&S Gr. 'D' on his being regularised after completion of successful training as Data Entry Operator. They alleged that management illegally and arbitrarily placed him in T&S Gr. E instead of T&S Gr. D. On the contrary management denying the claim of the sponsoring union submitted that they did not commit any illegality or took any arbitrary decision regularising the concerned workman in T&S Grade 'E' on completion of his training for a period of one year as per Cadre Scheme. It is their

contention that the concerned workman initially was an underground general mazdoor and on his request he was placed under training on Computer Print Out System initially for a period of 15 days and thereafter for a period of one year. The office order dt. 6/9-7-92 marked as Exht. W-1 speaks as follows.

"Sir Upendra Singh, U/G General Mazdoor, Dhansar Colliery is hereby allowed to work on Computer Print Out System for 15 days as Trainee on completely temporary basis. In case his performance is found satisfactory, he will be allowed to work as such for one year and thereafter his case for regularisation will be considered, otherwise he will be reverted back to his present job of U/G Mazdoor. He will not be paid any extra wages or allowances for the said Training period."

No where from this order it will be exposed that on request of the concerned workman he was placed under training on Computer Print Out System. It is admitted fact that after successful completion of one year training the concerned workman vide office order dt. 12/15-10-92 (Exht. W/2) was regularised as Junior Data Entry Operator in Gr. E with immediate effect on giving notional seniority from July, 93 as per Cadre Scheme. The order relating to Cadre Scheme during evidence of M.W.I. was marked as Exht. M/3. From the order it transpires that eligibility criteria for promotion in Data Entry Operator (Trainee) are as follows. The workman must be matriculate or possess equivalent Certificate with three years service in the Company being a permanent worker. Mode of promotion in such post is through DPC/Aptitude test. After selection he will be provided with T&S Grade 'E' i.e. as Data Entry Operator Trainee.

For the post of Junior Data Entry Operator workman should be Matriculate or possess equivalent Certificate and on completion of one year training as Data Entry Operator Trainee the candidate will be placed in T&S Grade-D as Junior Data Entry Operator. Mode of promotion is through DPC.

Vide office order dt. 6/9-7-92 marked as Exht. W/1 the concerned workman was placed under Training for a period of one year in Computer Print Out System and thereafter he was regularised as Junior Data Entry Operator and not Junior Data Entry Operator (Trainee) by order of the management dt. 12/15-10-94 Exht. W/2. This order therefore has been exposed clearly that management designated the concerned workman as Junior Data Entry Operator on his successful completion of Training for a period of one year. If the order relating to Cadre Scheme is considered there is no scope for getting regularisation of a workman as Junior Data Entry Operator without being selected as Junior Data Entry Operator (Trainee) and also without fulfilling the required conditions. The representative of the management in course of hearing submitted that D.P.C. did not recommend the name of the concerned workman and for

which the concerned workman is not entitled to get his placement in T&S Grade D. It is admitted fact that Junior Data Entry Operator comes and T&S Grade-D. There is no dispute at all that by office order dt. 12/15-10-94 (Exht. W/2) the concerned workman was regularised as Junior Data Entry Operator but instead of placing him T&S Grade 'D' he was placed in T&S Grade E. There is no whisper in the said office order that pending recommendation of his name by DPC he will be provided with T&S Grade E and not in T&S Grade 'D'. As per Cadre Scheme question of regularisation of any workman in T&S Grade D will not be considered until and unless the conditions laid therein are fulfilled. As by office order Exht. W/2 management regularised the concerned workman in the post of Junior Data Entry Operator and not Junior Data Entry Operator (Trainee) it will be considered obviously that he was regularised as such on fulfilling the conditions otherwise the management would not definitely issue such order.

The Cadre Scheme speaks specifically that Junior Data Entry Operator is eligible to get T&S Gr. 'D'. The concerned workman by order of the management was regularised as Junior Data Entry Operator but simultaneously he was placed in T&S Gr. E which is absolutely contrary to the Cadre Scheme. The act of the management, therefore, speaks clearly that they illegally and arbitrarily without providing him the actual grade i.e. T&S Grade 'D' provided him T&S Grade E which is meant for the post of Junior Data Entry Operator (Trainee) though by office order he was regularised as Junior Data Entry Operator.

Considering all the facts discussed above I hold that as per cadre Scheme the concerned workman is entitled to get T&S Grade 'D' on his being regularised as Junior Data Entry Operator by order of the management with effect from the date of issuance of office order of 12/15-10-94 with notional seniority from July, 93.

In the result the following award is rendered :

"That the action of the management of Dhansar Colliery of M/s BCCL in denying T&S Grade 'D' to Sri Upendra Singh w.e.f. October '94 while placing him as Jr. Data Entry Operator was not fair and justified.

Management accordingly is directed to provide T and S Gr. 'D' to Sri Upendra Singh w.e.f. from October '94 with notional seniority from July '93 within three months from the date of publication of award in the Gazette of India."

B. BISWAS, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 76.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि.

के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद II के पंचाट (संदर्भ संख्या 17/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल-20012/130/2003-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 15 December, 2005

S.O. 76.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 17/2004) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 12-12-2005.

[No. L-20012/130/2003-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT DHANBAD.

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10
(1) (d) of the I. D. Act., 1947.

Reference No. 17 of 2004.

PARTIES: Employers in relation to the management of
Barora Area of M/s. BCCL and their workmen.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. A. K. Sinha, Advocate
State : Jharkhand. Industry : Coal.

AWARD

Dated, Dhanbad the 24th November, 2005

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/130/2003-I. R. (C-1), dated, the 24th December, 2003.

SCHEDULE

"KYA KOYALA ISPAT MAZDOOR KI MESSERS.
BHARAT COKING COAL LIMITED KEY
PRAVANDHAN SEY MANG KI KARMKAR

MAJAN MAHATO PEON BARORA KSHETRIYA
KARALYA KO BARAS 1992 SEY PEON KEY PAD
PAR NIYAMITA KIYA JAYA TATHA BARS 1992
SEY 1-4-2003 TAK KI AVADHI KEY LIYE
MAZDOOREVAM PEON KEY VETANKE ANTAR
KI RASHI KA BHUGTAN KIYA JAYA KANUN
EVAM NAYA KI DRISTI SEY SAHI EVAM TARK
SANGAT HAI? YADI HA, TO KARMKAR KIN
LAVO KO PANAY KA HAKDAR HAY TATHA KIS
TARIKH SEY”

2. In this reference neither the concerned workman nor his representative was found present. Management, however, made appearance through their authorised representative. It reveals from the record that the instant reference is pending since April, 2004 for disposal. Record also further shows that registered notices and show cause notice were issued to the workman/sponsoring union consecutively. In terms of Rule 10(B) of the I. D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file a statement of claim complete with relevant documents, list of reliance and witnesses before the Tribunal within fifteen days from the date of receipt of the order of reference. The concerned workman/sponsoring union not only violated the above rules but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of the case. Under the circumstances, this Tribunal also finds no reason to adjourn the case suo motu for appearance of the workman/sponsoring union. for dates together, Hence, the case is closed and accordingly a 'No dispute. Award is passed in this reference presuming non-existence of any Industrial Dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 77.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद II के पंचाट (संदर्भ संख्या 68/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल-20012/486/2000-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 15th December, 2005

S.O. 77.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.68/2001) of the Central Government Industrial Tribunal/Labour Court Dhanbad II now as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of BCCL and their workmen, which was received by the Central Government on 12-12-2005.

[No. L-20012/486/2000-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under
Section 10 (1)(d) of the I. D. Act, 1947.

Reference No. 68 of 2001.

PARTIES: Employers in relation to the management of
M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. S. C. Gaur, Advocate

On behalf of the employers : Mr. H. Nath, Advocate
State : Jharkhand. Industry : Coal.

Dated, Dhanbad, the 24th November, 2005.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/486/2000- (C-I), dated, the 19th February, 2001.

SCHEDULE

“Whether the action of the management of M/s. BCCL in denying the payment of wages for period from 23-2-98 to 7-4-98 to Shri Kamala Prasad Singh, Sr. Overman of East Bhuggatdih Colliery is justified, legal and proper? If not, to what relief is the workman entitled?”

2. In this case both the parties appeared and filed their respective written statement and documents. Thereafter at the stage of evidence, Ld. Advocate for the concerned workman submitted that he intends to file substitution petition for the legal heirs of the concerned workman who died. It transpires from the record that inspite of giving opportunity no such substitution petition has been filed. Ld. Advocate submitted that the legal heirs of the deceased worker are not interested to proceed with the hearing of this case. In view of the submission I do not find any other way but to close the reference case and to pass ‘No dispute’ Award in this reference. Accordingly a ‘No dispute’ Award is passed in view of the fact that the case is abetted for non-substitution of legal heirs of the deceased worker.

B. BISWAS, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 78.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद II के पंचाट (संदर्भ संख्या 10/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं० एल- 20012/136/2004-आईआर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 15th December, 2005

S.O. 78.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2005) of the Central Government Industrial Tribunal/cum- Labour Court, Dhanbad II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 12-12-2005.

[No. L-20012/136/2004-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Present :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 10 of 2005

Parties : Employers in relation to the management of Dhori Colliery of M/s. CCL and their workman.

Appearances :

On behalf of the workman : None

On behalf of the employers : Mr. D.K. Verma,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 24th November, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/136/2004-IR(C-I), dated, the 17th December, 2004.

SCHEDULE

"Whether the action of the management of Dhori Colliery of M/s. CCL not to provide employment to Shri Rajendar Singh,

dependent son of Late Madhusudan Ex-employee under para 9.3.2 of NCWA VI is legal, fair and just? If not, to what relief is the said dependent of Late Madhusudan entitled?"

2. In this reference neither the concerned workman nor his representative was found present. Management, however, made appearance through their authorised representative. It transpires from the record that registered notices and registered show cause notice were issued to the workman/sponsoring union consecutively. In terms of Rule 10(B) of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file a statement of claim complete with relevant documents, list of reliance and witnesses before the Tribunal within fifteen days from the date of receipt of the order of reference. The concerned workman/sponsoring union not only violating the above rules but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of the case. Under the circumstances, this Tribunal also finds no reason to adjourn the case *suo moto* for appearance of the workman/sponsoring union for dates together. Hence, the case is closed and accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any Industrial Dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2005

का. आ. 79.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट (संदर्भ संख्या आई डी-178/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल- 12012/308/1997-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th December, 2005

S.O. 79.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID. No. 178/2001) of the Central Government Industrial Tribunal / Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 15-12-2005.

[No. L-12012/308/1997-IR(B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BHUBANESWAR**

Present : Shri N.K.R. Mohapatra,
Presiding Officer, C.G.I.T.- cum-
Labour Court, Bhubaneswar

Tr. Industrial Dispute case No. 178/2001

Date of Passing Award — 28th November, 2005

Between :

The Management of the Branch
Manager, State Bank of India,
Link Road, Cuttack — 753 009.

... 1st Party - Management

AND

Their workmen represented through
The Organizing Secretary, Orissa Bank
Workers Organization, Jaunliapatty,
Cuttack-753 009

... 2nd Party - Union

Appearances :

Shri P.K. Mohanty ... For the 1st
Manager Party—
Management

Shri D. Raja ... For himself—the
2nd Party
Workman

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by Clause(d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-12012/308/97-IR (B.I), dated Nil.

“Whether the action of the Management of State Bank of India is justified in terminating the services of Shri D. Raja, Messenger? If not, what relief the workman is entitled to?”

2. The Union who has espoused the case of the Workman has averred in its claim statement that after the retirement of one Shri D. Balajee, a Havildar working under the Branch Manager of Industrial Estate Branch Office of State Bank of India at Cuttack the concerned Branch Manager engaged the workman, the son of the deceased Havildar, on compassionate ground as a canteen boy from 3-2-1987 to 23-1-1989. Thereafter as a messenger he worked in the Link Road Branch of State Bank of India, Cuttack from 27-2-1989 continuously until he was refused employment on 28-11-1995. As the above refusal was made without any notice or retrenchment

benefits the Union has prayed for reinstatement of the workman with all service benefits and back wages.

3. While refuting the above stand of the Union it is pleaded by the Management of State Bank of India that the workman was never given engagement on compassionate ground as a canteen boy in the Industrial Estate Branch nor he was ever engaged as a Messenger in the Link Road Branch of the State Bank of India. According to it the workman simply worked for some time as a Canteen boy in the Industrial Estate Branch during 1989 and thereafter occasionally he worked on daily wage to attend the menial nature of works of Link Road Branch against the leave vacancy of some permanent staff. This engagement was neither continuous nor the total period of engagement was for 240 days or more. As regards the reason of refusing employment to the workman with effect from 28-11-1995 it is contended by the Management that for permanent absorption of various temporary workers like the workman in question several negotiations and settlements were made with the Staff Federation and then with the active participation of the Federation a mechanism was evolved to provide opportunities to these workers to face interview for their future absorption. It is further contended by the Management that the workman provided opportunity to face such interview but when he could not qualify he was disengaged in terms of the settlement, as his services were no longer required.

4. On the basis of above pleadings of the parties the following issues were made.

ISSUES

1. Whether the action of the Management of State Bank of India is justified in terminating the services of Shri D. Raja, Messenger? If not, what relief the workman is entitled to?

5. Besides examining himself the workman has examined another witness who was allegedly working along with him as a temporary messenger in one of the Branch Bank at Cuttack. The Management has examined two witnesses of whom M.W. 1 is none but the Branch Manager of Cuttack Industrial Estate Branch Bank while M.W. 2 is the Branch Manager of Link Road Branch of State Bank of India, Cuttack.

ISSUE NO. 1

6. This being the sole issue the same is taken up for final adjudication of the case.

7. The workman has filed several documents to prove how his services were utilized by the management during the period from 1987 to 1995. Even if the marking of these documents (except Ext.-A) has been objected by the Management (these being xerox copies) on perusal of the same it appears that the workman was never engaged continuously during the period from

1987 to 1995. None of the documents also whisper a word that by the time he was refused employment he was working as a temporary Messenger. The hand bills produced by him and marked as Ext.-5 series relates to the period from 28th December, 1994 to 22-11-1995. These show that during the above period he was intermittently being engaged to sort-out records and on other contingent work on a daily wage of Rs. 25/- per day and at the end of each day he was being paid his wages through these contingent vouchers and there is no mention in any of these documents that he was working as a temporary messenger. But the attendance register maintained for the temporary messenger which has been filed and marked as Ext.-B on behalf of the Management shows that the same do contain the names of the workman on several dates for which he has been paid through contingent vouchers marked as Ext.-5 series. This shows that the workman was engaged as a temporary messenger to sort-out records and other miscellaneous jobs on daily rate basis. Therefore the stand taken by the Management that the workman was never working as a temporary messenger by the time he was refused employment on 28-11-1995 falls to the ground.

8. Now to appreciate the case of both parties the Tribunal feels it paramount necessary to refer to a common judgement of our own High Court reported in CLT 86(1998)-834. From it can be gathered that for regularization of workers engaged on temporary basis in different banks of State Bank of India, the Staff Federation had entered into an agreement with the State Bank of India on 17-11-1987. Accordingly under the active participation of Federation methods were evolved and the temporary employees engaged since 1975 were grouped as A, B and C depending upon their total days of engagement, interviews were held group-wise for selection of suitable candidates and necessary lists of qualifying persons were prepared group-wise for their time to time absorption during the currency period of the settlement expiring on 31-3-1997.

9. In his evidence the workman admits to have had attended the interview in 1993 pursuant to a notice (Ext.-2) issued to him. His co-worker W.W.-2 who admittedly had faced the interview along with the workman says that he was refused employment about 15 days after the termination of the workman as he could not qualify in the interview. The Management Witness No. 2 has deposed that those who could not qualify in the interview were refused further engagement and therefore they had preferred several O.J.Cs before the High Court disposed of in a common judgment reported in CLT 86 (1998) 834 (supra). Thus it obviously appears that the workman was refused further engagement after that interview for he had failed to qualify in it.

10. During argument it was fairly conceded by both the parties that in the above settlement with the Federation it was agreed that before the expiry of the currency period

of that settlement no temporary workers were to be removed/terminated unless he is found disqualified in the interview. The interview being in 1993 and the alleged refusal of employment being in 1995, it appears that the termination of the workman was the resultant outcome of the result of the interview and as such the same is not open to challenge the same having been made on the basis of the agreement with the Federation which under the Industrial Law carries all the forces of law.

11. Furthermore the application dated 22-12-1993 (Ext.-A) and (Ext.-A/10) another application dated 18-9-1991 which the workman had admittedly given to the Management pursuant to an advertisement made for selection of Messengers from amongst the temporary workers show that according to his own declaration he had worked for 91 days during 1989 and 69 days during 1991 (Total 160 days) by the time he was asked to face the interview in 1993. The attendance register maintained for temporary Messengers for the year 1994 to December 1995 (Ext.-B) shows that in these years the workman had only been engaged intermittently that too on daily wage of Rs. 25/- per day as stated by the workman during his cross-examination. These facts thus show that the workman had never worked continuously for 240 days in the year next preceding the alleged date of his termination. Therefore, in any view of the matter the termination can not be termed as retrenchment within the meaning of Section 25-F of the Industrial Disputes Act.

12. Besides looking at the case from another angle it appears that the terms of reference itself suffers from legal infirmities. In his evidence the workman has claimed that he was once refused employment in November 1995 and again in January, 1996. But from the term of reference it is not clear as to with reference to which termination date the Tribunal is required to answer. Without mentioning the date of alleged termination the Tribunal simply has been asked in the reference letter to decide whether the termination of the workman a Messenger was proper or not. In a case reported in 2005-11-LLJ-972, the Hon'ble High Court of Allahabad have held on the basis of an earlier ruling of the Delhi High Court "*Eagle fashions Versus-Secretary (Labour)* and others that if a vague reference is made by the Government without supplying the date of termination the same would amount to wrong exercise of power without jurisdiction."

13. Therefore, in view of the various discussions made above, I find no merit in the case of the workman and accordingly the reference is answered holding that the Management was justified in refusing employment to the workman.

14. Accordingly the reference is answered.

N.K.R. MOHAPATRA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2005

का. आ. 80.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी-108/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल-12012/680/1998-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th December, 2005

S.O. 80.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No.108/1999) of the Central Government Industrial Tribunal-cum- Labour Court-II, New Delhi now as shown in the Annexure, in the Industrial Dispute between employers in relation to the management of State Bank of India and their workman, which received by the Central Government on 15-12-2005.

[No. L-12012/680/1998-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, AT NEW DELHI

I.D. No. 108/1999

Presiding Officer :

R.N. Rai

IN THE MATTER OF :

Shri Rajkumar
S/o Shri Ramjilal,
H.No. 936, Shivpuri,
Hapur, Distt. Ghaziabad
U.P.-201001.

Versus

The Asstt. General Manager,
State Bank of India,
Region-II, Zonal Office,
Meerut (U.P.)-250801.

AWARD

The Ministry of Labour by its letter No. L-12012/680/98/IR (B-I) Central Government Dt.30-03-1999 has referred the following point for adjudication.

The point runs as under :—

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of

Shri Rajkumar S/o Shri Ramji Lal, Ex. Casual Messenger-cum-Peon w.e.f. 23-4-1994 and denial of re-employment to him as per the provision of Sec. 25-H of the I.D. Act 1947 is just, fair and legal? If not, what relief he is entitled to and from what date?”

That the workman had been working as Messenger-peon since 23-3-1985 in the Hapur Branch of the Bank continuous till termination of his service illegally on 22-4-1994. He was paid Rs. 12 per day. The first spell as Messenger Peon continued till 27-7-1985.

That the workman was then made as canteen boy by the Chief Manager of the Branch Hapur on 28-7-1985 and was paid Rs. 25 per day as wages and continued to work as such till February 1994 from 28-7-1985. On 1-3-1994 the workman was made as Record-keeper and was paid Rs. 40 per day as wages. Seeing the good performance, hard work and sincerity of the workman, the Bank Management made the workman as canteen form initial appointment in the Bank, the workman had put in continuous service till 22-4-1994.

That no appointment order was given to the workman in spite of demand for the same. Due to fear of loosing the job the workman had been doing work as per dictates of the Bank Officers. The Bank Management exploited the condition of the workman and made him to continue to in their terms.

That the workman had been performing his duties for more than 8 hours in a day continuously. No leave such as casual leave, sick/or medical leave, earned leave were given to the workman. No. bonus, no PF, EST and other legal facilities/benefits were given to the workman. The workman is entitled to same pay-scale as is paid to other regular employee to same pay-scale as is paid to other regular employees on the principle of ‘Equal pay for Equal work’. They discriminated and treated the workman differently.

That the workman has put in more than 240 days of service in a calendar year. The workman has put in almost 10 long years of continuous services in the Bank. A right to employment has accrued to the workman. Having performed permanent nature of duties, as stated above, for 10 years continuously, the workman is entitled to employment in the bank, as matter of right. No charge sheet was issued. No enquiry was held. In utter disregard legal norms, bi-partite settlements, various circulars, and awards, the services of the workman were terminated illegally on 22-4-1994.

That the Branch Manager has recommended the workman for permanent appointment *vide* letters dated 21-3-1991. The workman is entitled to be made as permanent employee of the Bank under the settlement dated 9-1-1990 and circular dated 2-6-1993. The workman was entitled to be empanelled, as per the policy/scheme

and then for empanelled, as per the policy/scheme and then for permanent employee. The Bank deliberately in pursuance to its policy of unfair labour practice not empanelled and then absorbed the workman in the Bank's employment. Keeping the workman as daily wagers for 10 continuous years is nothing but unfair labour practice and victimization.

That without paying any retrenchment compensation, or notice or notice pay in lieu of notice period, the services of the workman were terminated on 22-4-1994. Thereby the Bank violated Sections 25-F, G and H of the I.D. Act, 1947. The termination of service was illegal, invalid and in violation of provisions of Industrial Disputes Act, 1947 and principles of natural justice.

That the workman had been approaching the Bank for permanent employment all these years and the Bank Management had been promising for the same. Now the workman had realized that the Bank Management had been dodging him since 1994 with a false promise of employment. The Bank has refused to give employment. The workman having left with no other alternative, filing the present claim statement.

The management has filed written statement. In the written statement it has been stated that the workman was not employed by the employer on any substantive post. He was merely engaged on casual basis as temporary/daily wage worker on few occasions in the year 1985 and then in the year 1994. He also ran the canteen of the branch as a self employed canteen boy from 28-7-1985 till 28-9-1993. He is, therefore not a 'workman' as defined in Sec. 2(s) of the Industrial Disputes Act 1947 and the present dispute is an industrial dispute.

That, the employed/Management had specifically stated in their written statement filed in conciliation proceedings that Sh. Rajkumar was not employed by them. A perusal of the application as well as rejoinder filed by the referred workman before the Asstt. Labour Commissioner (Central)/Conciliation Officer would make it unambiguously clear that the referred workman has himself setup a plea of having been engaged by the management on casual/daily wage basis and having become entitled to regularization. The real dispute as derived from the pleadings of referred workman and material before the Central Govt. is regarding the regularization of services of the referred workman. Still the Central Govt. without proper application of mind and mechanically had referred dispute of termination of services, u/s 2A of the Industrial Dispute Act 1947. Since the Central Govt. has not referred the real dispute between the parties, the order of reference is invalid and incompetent and the present dispute is not an industrial dispute.

That, the real dispute between the parties is regarding absorption of a canteen boy in the services of the employer bank and regularization of services of a casual daily wage worker which could not be an industrial dispute under Sec. 2A of Industrial Disputes Act 1947 as an Industrial dispute but could only be raised by a body of workman as an Industrial Dispute under Sec. 2(K) of Industrial Dispute Act 1947. The order of reference therefore in its present form u/s 2A, is void and bad in law.

That the referred workman was admittedly, even while engaged as a casual workman, was not a regular/permanent employee of the employer. It was inherent in the nature of his engagement as casual worker that it was subject to renewal. The non-renewal of the casual engagement on daily wage basis does not amount to retrenchment in view of clause (bb) of Section 2(oo) of the Industrial Disputes Act 1947, still the Central Govt. has assumed in the order of reference that the services of referred workman was retrenched by the Management and he was entitled to re-employment. The assumption in the order of reference renders the order as invalid and incompetent.

That the Central Govt. has referred the dispute of termination of services of the referred workman and the denial of re-employment to him as per the provisions of Sec. 25-H of Industrial Disputes Act 1947. The individual dispute of the referred workman has been treated as an Industrial Dispute u/s 2-a of Industrial Disputes Act 1947. It is submitted that the denial of re-employment u/s 25-H of the Act is not a case of dismissal or discharge etc. and is, therefore, not an Industrial Dispute u/s 2-A of the Act and the reference order is, therefore, invalid and incompetent.

That a bare perusal of the written pleading of the referred workman before the Conciliation Officer (Central) as well as his statement has nowhere this Hon'ble court would reveal that the referred workman has taken in his employment any other person or persons on the jobs which were been performed by him, without first offering him re-employment. The Central Govt. has no material before it that the employer denied the right of re-employment on this ground also is, therefore void and bad in law.

It has been stated that the management of State Bank of India entered into various bipartite settlements with their staff federation, wherein it was *inter-alia* agreed to extend certain facilities as welfare measures to local implementation committees (hereinafter called L.I.C.). These LIC's were to run the canteens which were being subsidized by the Bank. The Bank otherwise has no legal obligation to run the canteens in their branches and offices but agreed to subsidize the canteens purely as a staff welfare measure. The Bank agreed to provide space,

utensils, electricity/fuel and a lumpsum amount to the LIC's per month, for the purpose of running the canteen.

The LIC is allocated funds out of Staff funds. The said funds are kept by the LIC in a separate current account. The canteen boy is paid the sum of subsidy received from the Bank every month. His job is to prepare and serve tea to the Bank staff and charge them for tea and other items like biscuits etc. Which is normally maintained by such canteen boys.

That, the referred workman similarly took up the job of canteen running at Hapur branch of the bank from 28-7-1985 and continued to run the same on 28-9-1993, where after he was removed by the LIC due to his unsatisfactory services. He was, therefore, a self employed person who was running the staff canteen availing the facilities provided to the LIC by the Bank and was earning profits from the job of running the canteen services. It may be pointed out that during the long period of about 8 years of canteen running never did he raise the demand of claim of absorption in the permanent and regular services of the Bank.

That, there never existed and relationship of master and servant between the Bank and the referred workman. The Bank never exercised any supervision and control over his canteen running business. He was pocketing the profits of the canteen business himself. The role of the Bank in this regard, can, at best, be termed as providing an incentive to any person to take up the work of operating a canteen as his own self-employment.

That, occasionally the employer requires certain casual nature of jobs to be done. The Branch Manager are authorized to get such odd casual jobs done by engaging casual workers on daily wages or per job basis and pay them out of the petty cash. On such very few occasions when casual jobs like fetching water, setting records and stationary as an assistance to the record keeper were required to be done, the employer offered them to the referred workman and he worked temporarily on daily wages for 102 days during the period 23-3-1985 to 30-4-1985 (31 days), 1-5-1985 to 31-5-1985 (26 days), 1-6-1985 to 30-6-1985 (21 days), and 1-7-1985 to 27-7-1985 (24 days). Again he was similarly engaged for a total of 40 days during the period 1-3-1994 to 22-4-1994 irregularly on Rs. 40 per day. Other than his employment as a canteen boy and casual engagement as above, the referred workman never worked as a permanent or temporary or regular or even casual employee in the employer Bank.

That, it is submitted that even otherwise there are rules of recruitment having statutory force in State Bank of India and on person whether regular or permanent can be appointed without first following the procedure laid down for recruitment of each category of employee. The engagement of persons on casual basis for casual nature of jobs is not an appointment on substantive basis and such casual and temporary persons, in accordance with

settled principals of law, have no right of reinstatement/absorption.

Without prejudice to the above written statement on merits, the employer/management submits their para wise reply to the statement of claim of the referred workman :

That the contents of para 1 of the statement of claim of the referred workman, are absolutely false and baseless, hence denied. The referred workman is put to strict proof of having ever gone through the process of recruitment against any permanent and regular vacancy and having been appointed by an officer who is competent to appoint any person on any post in the Bank. It is reiterated that he was engaged as a purely casual worker for a total No. of 102 days during 23-3-1985 to 27-7-1985. The details of his working during this period are as follows :

Dates		
From	To	No. of Days
23-03-1985	30-04-1985	31
01-05-1985	31-05-1985	26
01-06-1985	30-06-1985	21
01-07-1985	27-07-1985	24
Total		102

He was engaged for running the canteen by the LIC as a self-employment person. As a canteen boy he availed the benefits of cash subsidy as well as utensils etc. as a canteen boy he availed the benefits of cash subsidy as well as utensil etc. Extended by the employer Bank to the LIC. After 28-9-93 he was removed by the LIC due to unsatisfactory services and from this date to 1-2-94 he had no direct or indirect or any other kind of relationship with the Bank. The employer Bank again engaged the referred workman as a casual worker to assist the record keeper for 28 days during the period 1-3-1994 to 6-4-1994 and again for 12 days during 7-4-94 to 22-4-94. The details of his engagement as a casual worker for a second spell are as follows :

Dates		
From	To	No. of Days
01-03-1994	05-03-1994	05
07-03-1994	09-03-1994	03
11-03-1994	12-03-1994	02
15-03-1994	19-03-1994	05
21-03-1994	25-03-1994	05
08-03-1994	31-03-1994	04
02-04-1994		01
04-04-1994	09-04-1994	06
11-04-1994	12-04-1994	02
14-04-1994	16-04-1994	03
18-04-1994	19-04-1994	02
21-04-1994	22-04-1994	02
Total		40

It is categorically denied that for running the canteen he was paid Rs. 25 per day. It is submitted that the LIC paid him the subsidy of Rs. 300 per month till Oct. 90 and thereafter Rs. 750 per month. The referred workman while harping on his so called good performance etc. has kept silent about the period from 29-9-1993 to Feb. 1994. He has deliberately concealed this fact. The employer management craves leave of this Hon'ble Tribunal to refer to their submissions made in this regard in para 7 herein above.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the parties and perused the papers on the record.

It was submitted from the side of the workman that he was engaged as Messenger, Peon since 23-03-1985 in Hapur Branch of the Bank and he was paid Rs. 12/- per day. The last spell as Messenger came to an end on 27-07-1985. Thereafter the workman was engaged as Canteen Boy by the Chief Manager by the bank, Hapur on 28-07-1985 and was paid Rs. 25/- per day as wages and continued to work as such till February, 1994 from 28-7-1995. He worked up to 22-4-1994.

It was further submitted that he has completed 240 days work and he should be regularized but he was removed from servie. It was submitted from the side of the respondents that the workman admittedly was engaged as Messenger from 23-3-1985 to 27-7-1985 and he has worked for 102 days. He has not completed 240 days as per his own claim statement. He has also submitted in his claim statement that he was appointed as Canteen Boy on 28-07-1985 and continued as such till February, 1994. The workman admittedly worked as Canteen Boy from 28-07-1985 to February, 1994 and from 1-3-1994 to 22-04-1994 he worked as Record Keeper as per the averments of the workman applicant. The workman has not worked for 240 days as Messenger in the year 1985 or in the year 1994 as Record Keeper. According to his won admission he has worked as Canteen Boy from 28-7-1985 to February, 1994. The substantial question is whether a Canteen Boy serving in canteen can be regularized or not. The Bank has given details of the work of the workman and as per those details of the workman he has never completed 240 days in any year. Even if it is supposed that the workman has completed 240 days work in any of the preceding year, the substantial question is whether Section 25 F of the I.D. Act is attracted or not.

It was submitted that Canteen is not statutory canteen. It is only for the benefit of the employees and it is run by local implementation committee as per circular framed by the SBI. It has been held in 2000 (80) FLR Page

653 by the Hon'ble Supreme Court that the Bank not having any statutory or structural obligation or obligation arising under any award to run such canteen cannot be directed to regularise canteen workers. The employees there of cannot be regularized. The workman admittedly is a Canteen Boy from 28-7-1985 to February, 1994. The Bank has no statutory obligation to run a canteen. The workman was only a canteen boy and used to supply tea to the employees. There are no statutory rules for setting up such canteen. The workman has filed documents which show that he has been paid out of the petty cash. The Bank gives subsidy and payment to the workman has been made out of that subsidy. He is not a temporary employee of the Bank itself and he has not worked for 240 days as Messenger or Record Keeper so his services cannot be regularized. The bank was under no obligation to run canteen hence the persons engaged in canteen cannot be regularized.

The reference is replied thus :—

The action of the management of State Bank of India in terminating the services of Shri Raj Kumar, S/o. Shri Ramji Lal, Ex. Casual Messenger-cum-peon w.e.f. 23-04-1994 and denial of re-employment to him as per the provision of Section 25 H of the I.D. Act, 1947 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Date : 08-12-2005.

R. N. RAI, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2005

का. आ. 81.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, पटना के पंचाट (संदर्भ संख्या 28 (सी)/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल-12011/20/2003-आईआर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi the, 16th December 2005

S.O. 81.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 28 (e)/2003) of the Industrial Tribunals, Patna now as shown in the Annexure, in the Industrial Dispute between employers in relation to the management of State Bank of India and their workmen, which received by the Central Government on 15-12-2005.

[No. L-12011/20/2003-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA**

Reference Case No. 28(C) of 2003

Management of State Bank of India, Local Head Office, J.C. Road, Patna and their workmen represented by State Bank of India Employees Union (Bihar State), 215, Ashok Place, Exhibition Road, Patna.

For the Management : Shri Sunil Kumar Upadhyay.

For the Workmen: Shri G.K. Verma, General Secretary of Union.

Present: Om Prakash Sinha, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dated the 7th December, 2005

By adjudication Order No. L-12011/20/2003-IR(B-I) dated 18-07-2003 the Government of India, Ministry of Labour, New Delhi has referred, under Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter to be referred to as 'the Act'), the following dispute between the management of State Bank of India, Local Head Office, J.C. Road, Patna and their workmen represented by the General Secretary, State Bank of India Employees Union (Bihar State), 215, Ashok Place, Exhibition Road, Patna for adjudication to this Tribunal :—

“Whether the action of the management of the State Bank of India in terminating the services of Sri Ram Prit Yadav, Rajesh Kumar Ram and Ratnesh Paswan, part-time sweeper, w.e.f. 5th August, 2002 by the management of State Bank of India, Darbhanga while their case for regularisation is pending before I.T., Patna is justified? If not, what relief they are entitled to?”

2. On notices being served both parties appeared and filed their written Statement.

3. The case of the workmen, as it appears from their written statement, is as follows :

(i) The Darbhanga Branch of State Bank of India was housed in a single storied Govt. premises prior to the year 1991. That the said premises was swept by one Dilip Kumar Ram a part-time Sweeper who is said to be absent on regular basis. That in January, 1991 this S.B.I. Office was shifted to its own Building at Laheria Sarai, Station Road having three floors, each consisting of approximately 72 sq. ft. carpet area. That this big carpet area required the services of atleast three full-time Sweeper-cum-Furrash.

(ii) It is stated that in January, 1991 the then Branch Manager of S.B.I. selected the three workmen as part-time

sweeper-cum-furrash, namely Sri Ram Prit Yadav, Sri Rajesh Kumar and Ratnesh Paswan, one for each of the three floors, though, in fact, one full-time sweeper for each of the floors was required. That though they were appointed as part-time Sweeper-cum-Furrash, they were required to work between 8 A.M. to 5.30. P.M. on all working days. That from 8 A.M. to 10 A.M. they performed the duties of Sweeper-cum-Furrash and thereafter as messengers performing the usual duties of that post till the closure of the Branch Office.

(iii) It is the further case of workmen that instead of regular subordinate cadre wage scale and other benefits, each of these workmen was paid a paltry daily wage of Rs. 10/- from January, 1991 to December, 1998 and Rs. 12/- per day from January, 1999 to 4th August, 2002. That no appointment letters were issued to these workmen. They were also not allowed to mark their attendance in the Branch Staff Attendance Register. That the attendance was marked by officers in a separate Demy Book and as per the attendance marked in this book they were paid their wages. Initially, it is stated their attendance were marked by Sri A.K. Sinha the then Deputy Head Cashier.

(iv) That whenever Messengers or Cash-Collies of Cash Department went on leave or were deployed on other work, the concerned workmen worked in the Cash Department for packing of currency notes, for remittance to Reserve Bank of India and also for burning of soiled and mutilated notes of small denominations. The then Deputy Head Cashier Sri A.K. Sinha used to mark the attendance of these workmen in a Demy Book. At the months end the dates of attendance were sent to Establishment Section of the Branch for payment of wages on monthly intervals through Petty Cash Register of the Branch.

(v) That in March, 2000, another part-time Sweeper, namely Sri Kailash Ram was appointed as the services of the concerned three workmen were regularly required for 'Messengerial and Cash Collies works'. This Kailash Ram too remained absent on a regular basis.

(vi) That in October, 2000 a full-time Sweeper, namely Bishwanath Ram was appointed because these three concerned workmen remained engaged in Messengerial works during the working hours of the Bank.

(vii) It is further stated that these concerned three workmen were also paid additional sums towards compensation for performing the duty of full-time Messenger during 10.30 A.M. to 5.30. P.M. in addition to their daily wages of Rs. 10/- or Rs. 12/-, by deducting some amount out of Wages paid to irregularly appointed workmen, namely Sri Santosh Kumar Choudhary, Sri Deva Nand Mishra, Sri Madan Rai, Sri Vinod Paswan, Sri Rajesh Kumar Bhagat and Sri Rajesh Kumar Mandal.

(viii) That these three concerned workmen were not paid their wages directly. The Bank had adopted an anti-worker/anti-labour practice so that the workmen could never

claim for being regularised as permanent employees of the Bank.

(ix) The practice of payment of wages that prevailed was that the total amount of the daily wages payable to these three workmen was deposited every month in the personal saving account number 20080 of H.K. Sen Gupta, the then Record-Keeper of Darbhanga Branch by debit to the Bank's charges Account. Mr. Sen Gupta prepared bills under the following Head—"Daily Wages Bills of Coolies engaged for Sweeping the floors as after shifting to the new premises excluding Holidays/Sundays as per the existing arrangements made by the Bank". That on these bills the signature of the three concerned workmen were obtained in token of their having received payments. On these bills Mr. Sen Gupta also put his signature under the remark, "Amount paid by me as usual arrangements made by the Bank". The Chief Manager of the Bank also put his initial with date under his order for payment of the bills. That the Branch Inspector, during the Audit and Inspection of the Branch, had encircled such deposits in the Saving Bank Account of Mr. Sen Gupta by Green Audit Pencil.

(x) It is further stated that after the retirement of Mr. Sen Gupta the job of payment of wages to these concerned three workmen was entrusted to B.N. Bishwash, Stationary Incharge. That here the mode of payment was changed and Bank's Cheques were issued in the name of Mr. Bishwash incorporating the remarks on the bills duly passed for payment by the Chief Manager, which read, "Please pay by debit to charges Account-Salary in the name of B.N. Bishwash (Stationary Incharge by B. Cheque). This arrangement will be applicable for one month". The names of these three concerned workmen were also mentioned in such bills, which were signed also by the Chief Manager of the Branch. This arrangement continued for several months and in every such bill of payment the remark was made that the arrangement is for one month. That after B.N. Bishwash the job of disbursement of wages to the three concerned workmen was entrusted to S.N. Mishra who started payment of the bill by Bank's Cheque and disbursing the amount to the concerned workmen against their signatures in an Exercise Book. On the bills the passing order was made by the Chief Manager with a remark, "Pay through Banker's Cheque in the name of Sri S.N. Mishra (Stationary Incharge)".

(xi) That in due course the work of payment of wages to the three concerned workmen was entrusted to A.K. Sinha, the then Deputy Head Cashier who marked attendance of these workmen in the Bank's Peon Book and the bills were prepared on the basis of their attendance by the Branch Zamadar, under his signature and it was passed for payment by the Chief Manager of the Branch. The bills were prepared by different Bank Employees. It is stated that R.B. Yadav and Lakhman Mishra demanded their share for doing irregular work from the management and the management allowed them to do so by showing on the

bills fake payment to one extra hand. That as per attendance marking made by P.C. Sarkar, Deputy Head Cashier, the payment made to these workmen were for Rs. 588/-, the bill drawn by Sri R.B. Yadav on 28-11-2000 was for Rs. 960/-. That on 1-7-2002 Lakhman Mishra, Zamadar was paid Rs. 60/- extra for fake payment to one extra person on 9-6-2002.

(xii) It is further case of the workmen that the post on which the workmen worked continuously since January, 1991 with artificial breaks on Sundays and Holidays are permanent in nature and can be termed as "Temporary" in view of definition given to such category of employees under para 508(C) of Shastry Award and also retained in para 21-20 of Desai Award.

(xiii) That at the time of their initial appointment the concerned workmen possessed requisite educational and age qualifications.

(xiv) That Ram Prit Yadav belongs to O.B.C. Class and Ratnesh Paswan and Rajesh Kumar Ram belong to Schedule Caste.

(xv) That the work and conduct of these three workmen were all along found to be good and there never arose any occasion to issue any memo etc. alleging any misconduct on their part.

(xvi) It is the case of the workmen that the Union of these workmen raised an Industrial Dispute in January, 2001, for regularisation of their services in subordinate cadre of the Bank and after failure in this attempt the Assistant Labour Commissioner (Central), Patna No. 2 submitted his Conciliation Report to the Govt. of India, Ministry of Labour, New Delhi. The Govt. of India referred a dispute regarding regularisation of services of these three workmen to this Tribunal for adjudication. The matter is pending before this Tribunal which bears Reference Case No. 12(C) of 2003.

(xvii) It is stated that when the matter of regularisation of services of these three workmen is still pending, the management terminated their services without any written order on 5-8-2002 and also without any notice or wage in lieu of notice, thereby violating the mandatory provisions of Sec. 25F of the Industrial Disputes Act, 1947. That in view of all these facts the concerned three workmen are entitled to reinstatement in service w.e.f. 5-8-2002.

(xviii) The relief sought by the workmen is that after reinstatement, the three concerned workmen are also entitled to become permanent with retrospective effect under the relevant rules w.e.f. 1st January, 1991 i.e. the date of their initial appointment as part-time-Sweeper in the service of the State Bank of India, Darbhanga Branch with all benefits available the permanent employees. Their regularisation in service has to be as full time Workmen on account of duration of service rendered by them.

(xix) It has been further stated that there is no mention of Daily Rated Workmen category in the Banks *vide* Shastry

or Desai Award. Even temporary employees are given annual increments (proportionately) which also has been denied to these workmen.

(xx) That the action of the management of S.B.I. of terminating the services of these three concerned workmen on 5th August, 2002 during the pendency of another Reference Case is *malafide* and unjustified.

(xxi) On these grounds it has been prayed that an Award be made in favour of these workmen.

4. The Management has filed Written Statement in which some objections regarding maintainability of this reference 28(C) of 2003 have been raised. It has been stated the subject matter of complaint case No. 1(C) of 2003 Reference Case No. 28(C) of 2003 is the same *i.e.* the validity of termination of services of three concerned persons. That the relief sought in Reference Case No. 12(C) of 2003 is in respect of regularisation of their services which can be granted only when the termination of the services of the three concerned persons are held to be bad. Therefore, it has been stated, that under these circumstances either the proceedings in Ref. Case No. 12 (C) of 2003 be kept in abeyance or be taken up after the disposal of this reference or both the references be heard together.

5. It is worth while to mention here that this point was raised earlier just after filing of this reference. The then learned Judge by Order dated 19-11-2003 held that as all these cases do not stand on identical grounds, and issue therein are not alike, it would not be possible to amalgamate all these three cases for analogous trial. He accordingly dismissed the petition for analogous trial. As the matter has been earlier set at rest by this Tribunal, these points raised on behalf of the management are un-called for and redundant.

6. It has been stated on behalf of the management that this reference is bad in law as well as on facts. Unless there is a relation of Employer and Employee between the Bank and the workmen, no industrial dispute comes into existence, and no reference can be made under Section 10 of the Act. The reference made by the Central Government is, therefore, without jurisdiction. It has all along been the case of the Bank that the three concerned persons were never the employees of the Bank in any capacity what so ever. That the union has presumed that these three concerned persons worked for some time whether as the daily wage earner or casual worker, they get status of the employees of the Bank.

7. That the Central Government notification also does not correctly describe the name of the employer. That the Chief General Manager, H.L.O..... Patna is neither an employer nor he has ever been concerned with the work of the these three persons in any capacity. The casual work, in fact, was taken by some staff of the Bank and not by any individual executive of the Bank. As concerned three persons claimed to have worked at Darbhanga Branch of

the Bank, the incharge of the Darbhanga Branch and not the Chief General Manager is the employer. Further the Chief General Manager is not the competent authority for appointment/termination of the services of the subordinate Branch Staff.

8. It is well settled law that a union can raise a dispute in respect of their members only and not of any outsider. It is only a regular employee of the Bank who can be a member of the union. The concerned three persons were never employees of the Bank and, therefore, they could not have become members of the union. In this view of the fact the union is not competent to raise dispute on behalf of these three concerned persons.

9. It is further case of the Bank management that Darbhanga Branch of State Bank of India was shifted to its own Building at Railway Station Road, Laheria-Sarai in the year 1991. At that point of time the Branch had one part time permanent sweeper who used to sweep and clean the Branch. As this permanent part-time sweeper remained on leave without any information he could not properly discharge his duties of cleaning the premises of the Bank. The premises used to be cleaned by the outsider sweepers. Such outsider sweepers used to be paid at the Rate of per day for the hours they cleaned the premises of the Bank through any staff of the Bank, and they were at no time appointed by the Bank in any capacity.

10. That the State Bank of India makes appointment as per its Staff Recruitment Rules. In Bank, vacancies are notified in accordance with the Rules and after following the recruitment procedure competent candidates are selected and offered appointment. In case of the three concerned persons no such procedure was ever adopted.

11. That the appointment of these three concerned persons, in whatever capacity, was made with an ulterior motive of entry in the Bank's employment through back door by some persons of the Branch, who might have been interested in them. Such appointment is illegal and *void ab-initio* for all purposes.

12. That the Bank is already having one full time sweeper, one half and still another part-time sweeper on 3/4th of the Pay. They are permanent/incumbent of the Bank. If any question of regularisation as full time Bank sweeper at that Branch arises, these aforesaid part-time sweepers will have their claimed at the first instance, and in any case the question of regularisation of these three concerned persons can come only after regularisation of service of those part-time sweepers engaged by the Bank.

13. That the names of these three concerned persons do not find mention in the Registers maintained by the Bank.

14. That even assuming that these three concerned persons have worked in the Bank for longer time as daily/casual workers this does not confer any legal right to be

appointed on a regular basis or even for regularisation of their services. For regularisation of services many factors, such as existence of vacancies, sanction of posts, the capability of the persons to be appointed on the post have to be considered. As the three concerned persons were never appointed by the Bank, no question of termination of their services arises. No work was ever given to these three concerned persons even on daily basis.

15. It is further case of the Bank management that in the Darbhanga Branch of the State Bank of India there was never any requirement for full time, part-time sweeper or sweeper-cum-Furass. The then Branch Manager never took any interview nor selected any person to work as additional sweeper. He was also not authorised to make appointment.

16. That these three concerned persons were never engaged to work in the Darbhanga Branch of S.B.I. from 8 A.M. to 5.30 P.M. on any day. The concerned three persons were given work not by the Bank but an employee of the bank in his personal capacity. They worked only between 8.30 A.M. to 9.30 A.M. The Bank has its own peon and as such there was no question of performing any duty of messenger by the three concerned persons.

17. That the statement made on behalf of these three concerned persons with regard to the rate and the days as and when they worked are correct, but as they were never appointed by the Bank, the question of regularising their services in subordinate cadre wage Scale and other benefits did not arise. As these three concerned persons were not recruited by the Bank, there was no question of issuance of any appointment letter to them by the Bank. As they were not the permanent staff of the Bank, the question of making their attendance in the Branch Staff Attendance Register did not arise.

18. That there were sufficient messengers in the Branch for Cash Department and as such there was no question of getting currency notes packed by three concerned persons. The packing of currency is done strictly as per the R.B.I./Bank's Guide line. The payment of wages was not made to the said three concerned persons by the Branch by debit to the charges a/c. salary and allowances because they were not the bank employees. The payment of salary to the bank employees is not made through petty Cash Register. The payment through petty Cash Register is made for petty Works/Expenses.

19. It has been further stated by the Bank management that the rate on which these three concerned persons have been paid is correct. On occasions, it has been stated, they might have been paid some additional amount but that can not be said to be a compensation paid for performing duties of full time messenger.

20. That there is no question of any anti-labour practice prevailing in the Bank. The concerned three

persons were engaged casually for casual nature of work on the job work basis as and when required by the staff member of the Branch and the payments were made by the concerned staff.

21. That these three concerned persons were paid by an employee of the Branch. The deposit of any amount in the Account of the then Record Keeper does not prove that they were employees of the Bank. The Bank never paid any amount to them nor they were entitled to receive any payment from the Bank.

22. That these three concerned persons were engaged for the work of sweeping only as and when required. They did not continuously work since January, 1991. The Bank has its own staff for this work.

23. That the claim of concerned three persons for reinstatement in the Bank service is baseless and illegal.

24. On these ground, it has been prayed, that the reference may kindly be answered against the concerned persons and in favour of the Bank.

25. From the respective cases of both the parties it is clear that the three concerned employees, as claimed by the workmen, worked in the Darbhanga S.B.I. Branch for more than 240 days and thus they were entitled to be reinstated in service w.e.f. 5-8-2002 with and all consequential benefits with retrospective effect. On the other hand the Bank Management has claimed that these three concerned persons were never the employees of the Bank and were not appointed by the competent authority of the Bank. That they were employed by some person of the Darbhanga Branch of S.B.I. and they can not claim any permanent cadre in the Bank Service.

26. In the light of the respective claims of the parties the Govt. of India, Ministry of Labour has made this Reference to this Tribunal to decide the following issue;

“Whether the action of the management of the State Bank of India in terminating the services of Sri Ram Prit Yadav, Rajesh Kumar Ram and Ratnesh Paswan, part-time sweeper, w.e.f. 5th August, 2002 by the management of State Bank of India, Darbhanga while their case for regularisation is pending before I.T., Patna is justified? If not, What relief they are entitled to?”

27. We propose to examine first the documentary and oral evidence adduced on behalf of the management. The management has filed (i) Photocopy of chapter 22 of Bank's Reference Book on staff matters Volume-2 from pages 453 to 460 (Ext.M). (ii) Pay Sheet of Darbhanga Branch of State Bank of India regarding subordinate staff for the month of December, 1997, April, 1998, June, 1998, December, 1998, May, 1998, March, 2000, May, 2000, July, 2003, August, 2003, and December, 2003 consisting of 22 pages (Ext. M/1).

(iii) Photocopy of Attendance Register of Darbhanga Branch of State Bank of India regarding subordinate staff

from 21-3-2001 to 26-3-2002 consisting of 30 pages (Ext. M/2).

28. The Bank has examined two MWs. M.W.1 was the Chief Manager, S.B.I., Darbhanga City Branch during the period from July, 2001 to July, 2003, and M.W.2 was the Manager of the S.B.I., Main Branch, Darbhanga in the relevant period.

29. Bashisth Choudhary, M.W.1 was the Chief Manager of S.B.I., Darbhanga City Branch from July, 2001 to July, 2003. He has stated that he knew all the three concerned persons (Workers). That during his tenure these three persons worked as sweepers in the Bank on daily wages and a sum of Rs. 10/- per day was paid to them as their wages. They used to work between 8 A.M. to 10 A.M. and thereafter they left the Bank premises. That there were permanent and part-time sweepers in the Bank and these three persons worked in their absence, and they were never appointed in the Bank service. Their attendance were never marked in Register and they were paid through vouchers by Petty Cash or Charges Accounts Service. Their services were never terminated by the Bank. The Branch Manager has no power to appoint sweepers. No work was taken from these three persons by the Bank after 10. A.M. There was no relation of employer and employee between the Bank and these three persons. In his cross-examination he has stated that appointment of sweepers is made by the Bank and not by the Bank Manager. He could not say who took work as sweepers from these three persons. He has, however, admitted, that permission for sweeping the Bank premises is obtained from the Branch Manager. That there is no category of casual labourer in the subordinate staff of the Bank. He has further deposed that during his tenure as Chief Manager of Darbhanga Branch of S.B.I. a conciliation Proceeding had taken place regarding which a Failure Report was sent. That on 30-5-2002 the Central Govt. made reference of disputes of these three persons. That as he did not remove the workmen there was no question of obtaining any permission from the Tribunal to remove them. He could not say as to who had removed these three persons. Deposing further he has stated that since 5-8-2002 he never saw these three persons working in the Branch Office. That he did not obtain any permission from his higher Officers regarding retaining these three persons in the service. Regarding mode of payment to the workers, he had stated that payment was made to the workers on written report of the persons who had engaged them for work in the Bank. So far he knew the attendance of these workers was not made and he had no knowledge of any paper regarding payment to these workers filed by the Bank. He has, however, admitted that he has put his signature on Ext. W/1 series which iseq. a voucher dated 1-7-2002. He has further stated in his evidence that there was no such rule in the Bank to pay the casual labourer through via media. He has admitted, however, that the mode through which payment was made to these three concerned persons was not the mode of payment prevailing in the Bank.

30. Sri Mahesh Jha M.W.2 was the Branch Manager of Darbhanga Main Branch, S.B.I., Darbhanga at the relevant time. He has stated that it was not a fact that in year 1991 interview of some persons for the post of Sweeper-cum Furass was taken. That he had not appointed workers namely Ratnesh Paswan, Rajesh Ram and Ram Prit Yadav. That there is no circular in the Bank empowering the Branch Manager of the Bank to make appointment of Class IV subordinate Staff. That such appointment could be made only with the permission of the Controlling Officer. The three concerned persons never gave to him their School Leaving Certificate. Their attendance were not marked in the Attendance Register. Ext. W-series (Consisting of 14 pages) was shown to this M.W.2 and he said after going through it that this was not an attendance register, and it did not bear the signature of any Officer of the Bank. That Bank had filed attendance register which was marked as Ext. M/2. He has further stated that he did not know whether the names of these three persons were mentioned in the Muster Roll. That payment is made to the casual labourers or Coolies through Petty Cash for the work rendered by them for 2 to 4 hours. Payment to the labourers can be made also by reimbursement to a Bank Employee.

He has further stated that there is no word like "irregularly appointed" in the Bank. By this he has meant that no irregular appointments are made in the Bank. Sweepers work in the Bank before the opening time of the Bank. The Sweepers do not discharge the duty of the Bank Messengers. He did not know whether any application for regularisation of services of these three concerned staff was filed or not. In course of his Cross-Examination he has stated that Sweepers are called subordinate menial staff. He did not know whether the Branch Manager of the Bank had discretionary power to appoint menial staff before 1994. He has stated that Ext. M/2 did not bear the signature of any menial staff. He did not remember whether he had given a written order to the Head Clerk to get the Bank premises cleaned by Part-Time Sweepers. He also did not remember whether he had given any such oral order. He has further stated that Part-Time-Workers are paid on prorata basis for their working hours. That there was no separate rule in the Bank for payment of daily wages. He did not remember whether any information regarding the staff (Workman) was sent to the Authority of the Bank or not. He did know how much payment was made to the worker for the work done by him for more than two and half hours. As the three concerned persons were not appointed by the Bank they were not paid as Part-Time Employees. Payment was made to the workers on a written report given by the Head Clerk or some Senior Officer of the Bank that they performed work in the Bank.

31. From the evidence of both the M.W.'s it is clear that these three concerned workman were not employed by the Bank rather they were employed by some Officer of

the S.B.I. Branch, Darbhanga and payment was made to them by those officers. Both of them are not in a position to say as to which officer had appointed these three concerned persons and made payment to them. It is also clear from their evidence that no interview was taken of these concerned three persons and they were never appointed in the service of the Bank. They were even not paid as Part-Time Employees. It is thus clear that from the very beginning the Bank has taken the stand that these three concerned persons were not appointed by the Bank and so they are not entitled to be reinstated in the service of the Bank.

32. It has been discussed above that names of these three concerned persons do not find mention in Exts. M 1 to M/2. So, it is clear that by both oral and documentary evidence the Bank Management has tried to establish that these three concerned persons were never engaged by any competent authority of the Bank.

33. Attendance Sheets consisting of 14 pages of these three concerned workmen is peonbook of Darbhanga Branch marked by the staff other than them for the month of June, 1996 to June, 1999, have been filed on behalf of the workmen. In these sheets the names of all three concerned persons namely Ram Prit Yadav, Rajesh Kumar Ram and Ratnesh Paswan have been mentioned. This has been marked Ext. W-Series. The payment vouchers marked Ext. W/1-series consisting of 19 sheets have been filed on behalf of the workmen. From their perusal it appears that these three concerned persons have received money in token of which they have put their signatures on these payment vouchers. Another document filed on behalf of the workmen is Darbhanga Branch voucher showing payment of wages to Collies engaged for sweeping the Branch on 4 days @ Rs. 60/- per day i.e. total amount of Rs. 960/-. This has been marked as Ext. W/2. Darbhanga Branch voucher showing payment of wages to Collies engaged for sweeping the Branch on four different dates @ Rs. 65/- per day i.e. total Rs. 910/-. This has been marked as Ext. W/3. The workmen have filed Darbhanga Branch Debit Slip for Charges Account Banker Cheque dated 6-1-2001 for Rs. 910/-. This has been marked as Ext. W/4. Darbhanga Branch voucher showing payment of wages to Collies engaged for sweeping the Branch on three different dates @ Rs. 60/- per day i.e. total amount of Rs. 960/- have been filed which is marked as Ext. W/5. One Darbhanga Branch Debit Slip dated 13-2-2001 for Rs. 960/- has been filed on behalf of the workman, which is marked as Ext. W/6.

34. We have noted above that in Ext. W-series the names of all these three concerned persons have been mentioned. In W/1-series there are signatures of these three concerned persons for having received payment for their work from the Bank. From these papers it is clear that these three concerned persons worked in Bank in the capacity of Sweepers or Collies.

35. Now we take up for discussion oral evidence adduced on behalf of the workmen Rajesh Kumar Ram (W.W.1) is one of the concerned persons. He has stated that he alongwith two others namely Ratnesh Paswan and Ram Prit Yadav had worked in S.B.I. Branch Darbhanga from January, 1991 to 5th August, 2002 as temporary Part-Time-Sweepers-cum-Furass. That from 8.30 A.M. to 12 A.M. he worked as Sweeper and thereafter he rendered other services in the Bank till evening. His other two companions also discharged the same work alongwith him. That he worked in the Bank each and every day except Sundays and Holidays. He has further stated that one reference was pending before the Tribunal bearing Ref.No.12(C) of 2003 for regularising his service in the Bank. That in the mean time the Bank removed him from the Bank services w.e.f. 5-8-2002. At that time Bashisth Narain Choudhary (M.W.1) was the Chief Manager of the Bank. No notice or order of removal was served on him by the Bank. No wages was paid to him by the Bank at the time of his removal. He could not say whether the Bank had obtained any permission from the Tribunal for removing him from the service. That after his removal the Leader's of Union had met the Bank Manger but he was not reinstated and since then he has been unemployed. In his cross-examination he has stated that after his removal from Bank no interview for the post of Sweeper was taken by the Bank. He could not say that a Branch Manager of the Bank could only recommend the names of the candidates for their appointment and he was not authorised himself to make appointment. He has candidly admitted that he had received no letter for his appointment. That he appeared for his interview before the Bank Manager who asked him to come on duty from the following day. On that day he submitted his School Leaving Certificate before the Manager. At that time he received Rs. 10/- per day as wages. Desposing further he has stated that the Bank is opened at 8 A.M. by the Zamadar of the Bank. That he used to work for 285 to 290 days in a year. That he has his family members. That after removal from the Bank service he has no other means of his livelihood.

36. From both oral documentary evidence, it appears that the workmen have established their case that they used to work in the Bank for more than 240 days and their services were terminated by the Bank without any notice or payment of wages to them as provided under the Act. We have discussed above that attendance sheets consisting of 14 pages of these three concerned workmen has been filed on behalf of the workmen (Ext. W-series). It is clear from the perusal of this attendance sheets that there is mention of names of these three concerned workmen. Besides that the workmen have also filed photo copies of payment vouchers consisting of 19 sheets (Ext. W-1 series). It is clear from the perusal of these payment vouchers that these three workmen have put their signatures in token of their having received the payment from the Bank. The Bank management has not controverted or denied Exts. W and W/1-series.

37. From the W.S. filed on behalf of the management it is clear that through out the case of the Bank Management has been that these three concerned workmen were never appointed in the Bank service by the competent authority of the Bank. No interview whatsoever was given to these concerned three persons. It has, however, been admitted by the M. Ws. that these concerned three persons were engaged by the Bank for sweeping the Bank premises on Part-Time basis. From their evidence it is thus clear that these three concerned persons worked in the Bank, may be, as Part-Time workers. This fact therefore stands proved that the Bank Management of S.B.I., Darbhanga Branch took work from these three concerned persons on temporary basis as Part-Time Workers.

38. The fact that these three concerned persons were engaged in the Bank service on temporary basis having been proved, the next point that comes for consideration is whether the provisions of the Act were followed by the Bank Management while removing these three concerned persons from the Bank service. It was submitted on behalf of the workmen that since these concerned workmen rendered continuous service the management ought to have not retrenched them without fulfilling the condition laid down in Sec. 25F of the Industrial Disputes Act. This Section lays down the following conditions to be fulfilled by the employer before removing these workmen from service:

- (a) To give the workmen one month's notice in writing indicating the reasons for their retrenchment.
- (b) To pay the workmen compensation equivalent to 15 days' average pay for every completed year of continuous service or any part thereof in excess of six months, and
- (c) To serve the notice on the appropriate Govt. in the prescribed manner.

It was submitted further that due to non-fulfilment of any of the above mandatory provisions, the retrenchment of these three concerned workmen is bad in law. In support of the aforesaid contention the Learned D.R. relied on a ruling reported in *Sundramoney Vs. State Bank of India, Madras* (1976-A.I.R.-SC-1111). He also referred to another ruling reported in *Swadesamitran Ltd. Vs. their workmen* (1960-I.L.L.J-504-SC). It has been held in this ruling that where retrenchment is found to be illegal and invalid for non-compliance of the mandatory requirement of Sec. 25F of the Act, it is imperative for the Tribunal to Award the relief of reinstatement with full back wages and it has no discretion to Award any other relief.

39. It was next argued on behalf of the workmen that in addition to violating the mandatory provisions as laid down U/s. 25F of the Act, the management has also violated the mandatory provisions of Sec. 33 of the Industrial Disputes Act. In this regard we would like to quote the relevant part of Section 33 of the Act. Section 33(3) lays

down that no employer during the pendency of any such proceeding in respect of an Industrial Dispute shall take any action against any workman by discharging and punishing him by dismissal or otherwise without the express permission in writing of the Authorities before which the proceeding is pending. It is clear from the facts of the case that the management did not take express permission in writing of the authority, the Presiding Officer, Industrial Tribunal, Patna before whom the Reference about regularisation of service of the three concerned workmen was pending for adjudication before terminating their services. This reference was made to the Industrial Tribunal, Patna which was numbered as Ref. Case No. 12C of 2003. The permission of Industrial Tribunal, Patna ought to have been obtained by the Bank management before removing their services, but this was not complied by the Bank Management. It is clear that the Bank Management has violated the mandatory provisions of the Act.

40. In this regard we would like to quote extracts from a ruling reported in A.I.R. 2005-SC-2799 (*Bank of Baroda Vs. Ghemarbhai Harjibhai Rabari*). The facts of this ruling are fully identical with the facts of the instant case. In para 8 of the ruling it has been held :

"While there is no doubt in law that the burden of proof that a claimant was in the employment of a management primarily lies on the workman who claims to be a workman. The degree of such proof so required, would vary from case to case. In the instant case, the workman has established the fact which, of course, has not been denied by the Bank that he did work as a driver of the car belonging to the bank during the relevant period which came to more than 240 days of work. He has produced 3 vouchers which showed that he had been paid certain sums of money towards his wages and the said amount has been debited to the account of the Bank. As against this, as found by the forum below, no evidence whatsoever has been adduced by the Bank to rebut even this piece of evidence produced by the workman. It remained contended by filing a written statement wherein it denied the claim of the workman and took up a plea that the employment of such drivers was under a scheme by which they are, in reality employee of the executive concerned and not that of the Bank; none was examined to prove the scheme. No evidence was led to establish that the vouchers produced by the workman were either not genuine or did not pertain to the wages paid to the workman. No explanation by way of evidence was produced to show for what purpose the workman's signature were taken in the register maintained by the Bank. In this factual background, the question of workman further proving his case does not arise because there was no challenge at all to his evidence by way of rebuttal by the Bank."

41. From the facts of this case it is clear that the workmen have produced 19 payment vouchers Ext. W/1-series which bear the signatures of these three concerned

persons. This also shows that the workmen have worked for more than 240 days and the amount paid to them has been debited to the Account of the Bank. The Bank has not challenged these payment vouchers Ext. W/1- series. The Bank also has not challenged the 14 attendance sheets (Ext. W-series) in which the attendance of these three concerned workmen has been marked. In the light of series of the evidence produced by the workmen it clearly stands proved that these three concerned persons worked in the Bank continuously for more than 240 days.

42. Now, I would refer to some pleas raised by the Bank Management. The management has contended that the reference to the Tribunal is bad in law. It may be stated here that this question ought to have been challenged before the Hon'ble Patna High Court, but the Bank Management failed to do so. This plea, therefore, must fall to the ground.

43. It is the next plea of the Bank Management that the Union is not competent to raise a dispute on behalf of these concerned three workmen or even to pursue the Reference Case on their behalf. In answer to this plea of the Bank Management it was submitted on behalf of the workmen that as per provisions of Sec. 36(1)(C) of the Industrial Disputes Act, 1947, where the worker is not a member of any Trade Union and if he is a party to the dispute, he is entitled to be represented in any proceedings under this Act, by any member of the executive or other office bearer of any Trade Union connected with or by any other workmen employed in the Industry in which the worker is employed, and has authorised the said office bearer to represent him. That in this case the three concerned workmen authorised Sri G. K. Verma, General Secretary of the Sponsoring Union and Sri P. S. Pal, Organising Secretary of the Union in the event of absence of the General Secretary through their letter of authority dated 1st August, 2003 which was addressed to the Presiding Officer of this Tribunal. In view of all these facts all the requirements laid down U/S. 36(1)(C) of the Act are fulfilled. It was further submitted on behalf of the workmen that it is the same Union which had espoused the earlier Reference No. 12 (C) of 2003 during the pendency of which the services of the three concerned workmen were terminated. From the consideration of the argument advanced on behalf of the workmen it is clear that the pleas of the Bank Management have no legs to stand and, therefore, must fall to the ground.

44. In the light of aforesaid discussion of the materials on the record and the evidence adduced on behalf of the parties we are of the opinion that the action of the management of State Bank of India in terminating the services of Ram Prit Yadav, Rajesh Kumar Ram, and Ratnesh Paswan, Part-Time Sweeper w.e.f. 5th Augst, 2002 while their case for regularisation was pending before the Industrial Tribunal, Patna, is highly unjustified and illegal. Therefore, they are entitled to be reinstated in the service

of State Bank of India w.e.f. 5th August, 2002 with all the consequential benefits attached to their posts.

45. The order of the Bank terminating the service of these three concerned persons is hereby set-aside. The State Bank of India is ordered to reinstate Ram Prit Yadav, Rajesh Kumar Ram and Ratnesh Paswan, Part-Time Sweeper in service and pay them all the allowances etc. with effect from 5th August, 2002. This order must be implemented within a period of one month from the date of publication of the Award.

46. Award accordingly.

OM PRAKASH SINHA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2005

का. आ. 82.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, शोलापुर के पंचाट (संदर्भ संख्या आई डी ए-21/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल- 41014/3/2005-आई आर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 16th December 2005

S.O. 82.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. IDA No. 21/96) of the Labour Court, Solapur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 15/12/2005.

[No. L-41014/3/2005-IR(B-I)
AJAY KUMAR, Desk Officer

ANNEXURE

IN THE COURT OF JUDGE
II LABOUR COURT, SOLAPUR
AT : SOLAPUR

Ref. IDA No. 21/96

Adjudication between :—

Divisional Manager,
Central Railway Division,
Solapur

.....Ist Party

AND

Bharat Limba Kokate,
Rpo:- Vitthaiwadi,
Post. Uplai.
Teh. Madha,
Dist. Salapur

.....II Party

Corum: Shri. S.K. Shalgaonkar. The Presiding Officer.

Appearances:- Shri. G. H. Kulkarni, Advocate,
for 1st Party.

Shri. A. V. Kakade, advocate, for 2nd Party.

AWARD

(Dictated and Declared the open court on 14th Sept.
2005)

1. It is an industrial dispute as defined u/s. 2(a) r/s. sec.2(k) of the I. D. Act, 1947, referred to this court for adjudication of the same, by the appropriate Govt. i.e. Government of India through its Labour Ministry, vide its order dated 17-4-93 below Exh. 0-1 as per its delegated powers of Sec. 10(2A)(1D) of the I.D. Act, 1947. For the demand as mentioned in the schedule thereof.

2. In response to the same the second party workman has filed his statement of claim below Ext.U-2 on 12-9-97 whereby it is contended and that could be taken down in brief are as under :

That, the second party workman got initially employed with the first party Raliway Dept. in the year 1977 as a Gangman with its Kurdwadi Sub. division and he continuously worked with it upto 18-11-86. However, according to the said workman one Shri. Tatpate Sahab on 19-11-86 as orally terminated his services without assigning any reason for the same.

3. The second party workman has stated further therein that at the time of his impugned termination he was neither was issued with a notice for a month nor paid notice pay in lieu of notice no retrachment compensation was paid to him. Similarly no seniority of workers as per their gradation got maintained, nor published on the notice board. Same Juniors have been retained after his impugned termination so taken place and thereby violated all the provisions of I.D. Act, 1947.

4. He was drawing Rs. 200/- p.m. towards his wages last drawn. He was not issued with any order of termination nor any enquiry was made but his 12 years continuous service got set off finally that too orally which is void ab.initio. Therefore his prayer that he be granted with reinstatement with continuity of service along with payment of full back wages w.e.f. 19-11-86.

5. Below Ext.C-3 there is a written statement so filed on record on 16-9-98 whereby it is contended and that could be taken down in short are as under:

That, the very reference IDA matter is neither maintainable nor legal under the provisions of the Law. Similarly the second party has not given any demand notice to the first party, on that ground as well as there has been an inordinate delay in approaching the concerned authority which remained unjustified, on this ground also the reference be rejected with costs.

6. It is specifically denied that the second party was working as a Gangman with the first party since 1977 and also denied that one Shri. Tatpate Sahab had orally terminated his services on 19-11-86.

7. However, it is the case of the first party that the second party had worked as a casual labourers/ Gangman right from 1-3-78 to 3-2-83 in a broken spell. during that period he had worked only for 473 days with the first party.

8. In the year 1982 the second party was directed for medical examination, whereby he was declared medically unfit for 'D' - I classification, but fit for 'C' - I classification, hence he was not considered for the post of Gangman. Later on he was engaged as a casual labourer on 4-2-83 and worked upto 2-10-83 in broken spell, but the second party has not turn up for work and remained absent from 3-10-83 onwards as he was not fit for the post of Gangman, but thereafter he did work as a Khalashi.

9. Thereafter the second party had worked and was engaged for a specific period and for specific work for 13 days with I.W.-from 6-11-86 to 18-11-86 for Kartiki Festival. He was well aware of this fact of his appointment was for specific work and specific period and since it got expired the services of the second party came to an end automatically.

10. It is the case of the first party further that the second party did not worked continuously in any one of the year, nor worked 240 days in any calendar year, hence the provisions of the I. D. Act, 1947, on that count were not required to be followed by the first party.

11. There was a complete ban on engagement of casual labourers by the first party w.e.f. 17-1-81 and hence no casual labourer was engaged with it, as no work was available with it and as he has been declared medically unfit by the concerned authority, hence he could be engaged as a Gangman. There was also no vacancy with the first party. Therefore the case of the second party be rejected with costs as pastly prayed therein.

12. Below Ext. U-4 the second party has produced on record xerox copy of his service book vide no. 252478 meant for record of service as casual labourer and also copy of the conciliation failure report by the Govt. of India Ministry of Labour office dated 3-8-94.

13. Below Ext.U6 the original record of service as a casual labourer Booklet got filed by the second party with the list below Ext.U5 on 16-8-05.

14. On the basis of the rival contentions of both the parties to the litigation this court has framed issues below Ext.O2 on 15-7-05 and the same are being answered by this

court through its findings of course with the reasons thereof are as under :

ISSUES	FINDINGS
1. Does second party workman prove that he has completed 240 days service during the 12 months last preceding the date of termination w.e.f. 19-11-86 as per u/s. 25B of I.D. Act, 1947?	...No
2. Does he further prove that his services were terminated in breach of section 25F of the I.D. Act r/w Rule 80/81 of the I.D. (Bombay) Rules, 1957?	...No
3. In alternative, the first party employer prove that the second party workman was appointed for specific period and for specific work as a casual labour. Hence it is covered under Sec.2(oo) (hh) of the I.D. Act, 1947?
4. Thus, does lastly second party workman prove that he is entitled to be granted with reinstatement with continuity of service alongwith payment of full back wages w.e.f. 19-11-85?	No as per final award so passed today in the second
5. What is the final order/award?	session.

REASONS

15. Heard Id. advocate Shri. Kakade for the second party workman on 6-9-05 and the Id. advocate Shri. G.H. Kulkarni for the first party department has filed on record a written notes of arguments below Ext.C-12 and citations with compilation below Ext.C-13 on 12-9-05 respectively.

ISSUE NO. 1

16. In this connection the second party workman has preferred to remain absent and also not adduced oral evidence till the date except his purshis so filed on record below Ext. U-7 on 16-8-05 with the say that the second party does not want to lead any oral evidence under the signature of his Id. advocate on record. His original service book titled as "Record of Service as casual labourer" does show that in all right from 1-3-78 till 4-1-83 he attended his work and worked for in all total 819 days i.e. during the span of 6 years he worked accordingly. Of course, that is as the title goes as the casual labourer, it is with affixing photograph duly filled in with his name and certified with the signature of Kurdwadi Railway Central Railway. Dist. Solapur, the employer with its seal and signature thereof. The nature of job on initial employment vide para 7 so shown therein as a Gangman.

17. Then later on in the said book (original) the entries of his total work of 632 days. during the period from 4-6-80 to 3-4-82 total number of days he worked as 632 days. On the last page thereof entries of his work duly signed and certified by workshop inspector (Bridge and floud) Solapur shown as for 89 days he worked with the remark "discharge on completion of river gaging work" and lastly he has been shown to have been worked during the period from 6-11-86 to 18-11-86 total of 13 days he worked duly signed and certified with the signature of his employer Kurdwadi Small Line Central Railway Kurdwadi. Dist. Solapur. It goes to show and establish except this original his service book on record with the list below Ext.U-6 the second party has produce on 16-8-05 through his adv. on record, but to substantiate and corroborate the same he himself has got not examined before the court on oath despite of sufficient opportunity so given to him to do so, the second party workman did not prove it of course through the cogent evidence before the court that he had worked for more than 240 days of service in each year much less in the last preceding 12 months to the date of his impugned termination i.e. dated 18-11-86 on record.

18. On the other hand from the very material on record precisely the original booklet of record of service as casual leave with the list below Ext.U-6. in the year 1986 it seems that the second party had worked 89 days only during the period of 19-7-86 to 18-10-86 for a specific work for a specific period and got discharged as endorsed there in by his employer after completion of "work of river gaging work" thereafter he was employed as a casual labourer for 13 days during the period from 6-11-86 to 18-11-86 only. Accordingly it is held that the second party workman has utterly failed to prove this issue of course through the cogent evidence that he had completed 240 days of continuous service during the last preceding 12 months to the date of his impugned termination i.e. 19-11-86 within the meaning of sec. 25-P of the I.D. Act, 1947, hence it is required to be answered negatively for the reasons as discussed above.

ISSUE NOS. 2 and 3:-

19. Since the issue nos. 2 and 3 are interdependant and interlocutory one their common finding and answer is required to be given by this court in order to maintain its brevity and avoiding its overlapping of the same.

20. No doubt in the conciliation proceeding which is part and parcel of the reference IDA matter the first party department did not appear at all nor filed any reply as reflected in the last para of the very conciliation failure report consisting of 2 pages dated 3-8-94 but for the first time in his written statement below Ext.C-3 vide para 11 has taken the plea by way of defence therein with the say that the second party workman was employed as a casual labour/ Gangman during the period of 1-3-78 to 3-2-83 in broken spells and later on as he was found medically unfit for D-1 classification but medically fit for C-1 classification he was

not considered for the post of Gangman. Again he was employed as a casual labour during the prelod of 4-2-83 to 2-10-83 and later on two different occasions he worked only for specific period for specific work and 13 days lastly as a casual labour only. But to support his fact the first party Dept. has neither produced a single piece of documentary evidence nor adduced oral evidence from its side but preferred to file its evidence closing purahis below Ext.C-11 on 24-8-05.

21. However, on the basis of material on record as discussed above more particularly on the basis of and on the strength of negative findings so given by this court to issue No. 1 as above in the foregoing paragraphs of this Judgement. It is held that the second party workman has totally failed to prove this issue that his services were terminated orally in breach of Sec. 25F of the I.D. Act, 1947, r/w, Rules 80/81 of the I.D. (Bombay) Rules 1957 on the date of his impugned termination i.e. on 19-11-86. Accordingly issue No. 2 stands answered negatively.

22. With regard to issue No. 3 the first party for want of iota of oral as well as documentary evidence from its side of course through the cogent evidence before the court that the said appointment of the second party workman in its employment was as a casual labourer for a specific purpose specific period hence it was covered u/s. 2(oo)(bb) of the I.D. Act, 1947, hence it is also answered negatively.

ISSUE NOS. 4 and 5:—

23. In this connection on the basis of the negative answer the court has given with regard to issue no. 1 and 2 as above the second party workman is not deserve to be granted with any relief as he prayed for as it is observed that the second party workman has not shown any keen interest in prosecuting this litreal sense of the term. The court does find sum and substance in the written submission below Ext. C-12 the first party has made that there has been latches on part of the second party in raising an industrial dispute after lapse of nearly 10 years as such no industrial dispute did exist on the date of the reference IDA matter. Hence they have referred to and relied upon the latest Judgement of Hon'ble Supreme Court of India in the matter between Haryana State Coop. Land Development Bank V/s. Neelam reported in All India Services law Journal Vol. IV 2005 (2) page 218 in which Hon'ble Supreme Court of India held that:

".....Plea to reject the application filed after 7 years as she was waiting for result of cases filed by others—Plea of limitation opposed on ground that no limitation is provided under the Act—Right but then one cannot have liberty to come at any time—Court must consider the conduct of party while entertaining delayed case—Here the respondent was not careful and had even accepted another employment.—Considering the circumstances held the High Court ought not to have entertained the matter."

Later on he has refer to and relied upon the Judgement of Hon'ble Punjab and Haryana High Court and of our Hon'ble Bombay High Court and the respective Law so laid down therein has been since in tune with to that of the Hon'ble supreme Court of India's Latest Judgement (Supra All India Services Law Journal Vol. 6, 2005 (2) page 218, hence not reproduced below.

24. However, it seems from the material on record that as against the impugned termination of the second party which is the oral one dated 19-11-86 the second party workman it seems from the very conciliation failure report dated 3-8-94 that for the first time the second party workman has raised an industrial dispute vide his letter dated 27-6-90 and a demand letter later on dated 16-7-90 alongwith his justification statement so mentioned therein i.e. after lapse of nearly 4 years but the very conciliation failure report dated 3-8-94 and thereafter during pendency of this ref. IDA matter of the year 1996 till today the second party workman has shown his total reluctant and negative approach in prosecuting this matter on his behalf. It does not give any premium to his case at all. Hence the Law propounded by the Hon'ble Supreme Court of India (Supra AISL J vol. 6, 2005(2) page 218) does apply to the facts and circumstances as emerged in this matter in hand before this court in toto.

25. With this view in mind these issues are required negatively based on material on record and finally the court proceeds to pass the following order/award which would meet the ends of justice, equity and good conscience.

ORDER

- I. Reference IDA below Exh. D.1 stands dismissed : of course; with no order, as to costs.
- II. Award be drawn in terms as above.

Dt. 14-9-2005.

S. K. SHALGAONKAR, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2005

का. आ. 83.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी. डब्ल्यू.डी. के प्रबंधन के संबन्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/क्रम न्यायालय-11, नई दिल्ली के संघाट (संदर्भ संख्या 2/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-42012/10/2003-आई आर (सी-11)]

एन. पी. केशव, डैस्क अधिकारी

New Delhi, the 16th December, 2005

S.O. 83.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/2004) of the Central

Government Industrial Tribunal/ Labour Court-II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 15-12-2005.

[No. L-42012/10/2003/IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

Presiding Officer : R. N. RAI. I, D. NO. 2/2004

IN THE MATTER OF :—

The General Secretary,
All India CPWD (MRM) Karamchari Sangathan,
4823, Balbir Nagar Extension, Gali No. 13,
Shahdara, New Delhi-32.

VERSUS

The Director General of Works,
Central Public Works Department,
Nirman Bhawan, New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/10/2003 IR (CUM-II) Central Government Dt. 30-12-2003 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of All India CPWD (MRM) Karamchari Sangathan for reinstatement/regularization of Shri Jagannath Malik, D.G. Operator is legal and justified? If yes to what relief the workman is entitled and from which date.”

It transpires from perusal of the order sheet that notice to the General Secretary was sent on 19-01-2004 & 18-02-2005 directing him to appear in the Tribunal/Court but the General Secretary has not turned up. The Management has been present all along. No claim statement has been filed despite service of the notice.

No. dispute award is given.

Dated: 09-12-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2005

का. आ. 84.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, नई दिल्ली के पंचाट (संदर्भ संख्या

30/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-22012/120/2003-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th December, 2005

S.O. 84.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the central Government hereby publishes the award (Ref. No. 30/2004) of the Central Government Industrial Tribunal/ Labour Court-II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 15-12-2005.

[No. L-22012/120/2003-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, LUCKNOW

PRESENT : SHRIKANT SHUKLA Presiding Officer

I.D. NO.30/2004

Ref. No. L-22012/120/2003-IR (CM-II) Dt. 23-2-04

Between :

The State Secretary,
Bharatiya Khadya Nigam Karmchari Sangh
5-7 Habibullah Estate, Hazratganj,
Lucknow-226001

AND

The District Manager
Food Corporation of India,
Distt. Office, Faizabad
Faizabad

The Sr. Regional Manager
Food Corporation of India.
5-6 Habibullah Estate, Hazratganj
Lucknow-226001

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute no. L-22012/120/2003-IR(CM-II) dated 23-2-2004 for adjudication to presiding officer. CGIT-cum-Labour Court, Lucknow.

क्या प्रबन्धन, भारतीय खाद्य निगम द्वारा श्रीमती सुशीला देवी भटनागर पत्नी स्व. पी.के. भटनागर के ग्रुप सेविंग लिंक इशोरेंस स्कीम के अन्तर्गत रु.50,000/- एवं उस पर ब्याज नहीं दिया जाना उचित एवं वैधानिक है ? यदि नहीं तो श्रीमती सुशीला देवी भटनागर किस अनुतोष की अधिकारिणी है ?

Admitted facts are that Sri. P.K. Bhatnagar was AG-I(D) and he expired on 1-10-91. At the time of his death, he

was posted under District Manager, Fazibad i.e. Opposite party no.2. It is also admitted that scheme known as LIFE INSURANCE CORPORATION OF INDIA'S GROUP SAVINGS LINKED INSURANCE SCHEME (hereinafter shall be referred to as GSLIS) was introduced for food Corporation of India employees vide circular no. 81 of 1986 which is filed with statement of claim. This is also admitted that Scheme is option to the serving employees. The serving employees were required to exercise option only if they were not willing to join the Scheme. It means the scheme was applicable to those who did not withdraw themselves from the Scheme. Such option was exercisable by them on or before 10-1-87 in default of exercising option it would be presumed that they are willing to join the scheme and accordingly recoveries of premium will be made from their salaries from Jan. 1987 onwards. The Drawing and Disbursing Officer of the office was required to recover insurance premium and send to Regional Office, for depositing the same to LIC's Regional Office, by cheque. The Drawing & Disbursing Officer was to recover contribution from the salary every month irrespective of their being on duty, leave, suspension, on the actual payment of salary for that month. Remittances have to be made even in respect of employees in cases where no salary is drawn. In such the unit offices shall advance the premium and recover such advance premium from the salary of the employees as and when the same is drawn. It is also not disputed that death of Sri P.K. Bhatnagar a sum of Rs. 5000/- was paid to the family of the deceased, in cash for funeral purposes. The retiral benefits has also been paid to the Smt. Sushila Devi Bhatnagar wife of the deceased and she has been appointed in Food corporation of India on compensate grounds on the death of her husband. It is also admitted fact that Sri P.K. Bhatnagar was terminated from the service during the course of his employment and he continued to be on termination for about 4 years. Sri P.K. Bhatnagar was reinstated as per the orders of Hon'ble High Court on 8-8-91 and he remain alive for 2 months subsequently after his reinstatement.

The case of the union is that a sum of Rs. 1850/- was deducted from salary bill of Sri P.K. Bhatnagar but was sent to Life Insurance in 1993 after 2 years of his death. The bill in sending premium was on account of FCI and thus workman is entitled for insurance money plus interest of account of GSLIS. The worker has therefore prayed for the award in favour of wife of the deceased to the tune of Rs. 50,000/ together with interest @ 24% w. e. f. 1-1-92. The case of the opposite party is only that the responsibility and accountability for payment of insured amount is only upon Life Insurance Corporation of India and not upon Food Corporation of India. The role of Food Corporation was limited to deduct the insurance premium from salary of the employees and to deposit the same to LIC under the scheme. In case of termination of service/membership under clause 07 the amount in saving fund was payable. The Food corporation of India has stated that discontinued

to submit premium under the scheme as no salary was payable to Sri P. K. Bhatnagar by employer after 17-10-87. According to the written statement after the death of the worker the employer sent the premium to the Life Insurance Corporation of India which LIC refused to accept. However, the employer again sent the amount Rs. 1820/- to LIC which was duly accepted by LIC and debited in the account of FCI. If the wife of the deceased have any grievance against the Life Insurance Corporation of India not with Food Corporation of India and case responsibility for payment rest upon LIC.

It is noteworthy that Life Insurance Corporation of India was also not party in the reference order.

Trade union has examined Smt. Sushila Devi Bhatnagar wife of Late Sri P.K. Bhatnagar while the opposite party has not examined anyone.

The grade union has filed following documents;

1. Circular no. 81 of 1986 No. EP. 42 (1)/81-Vol. I dated 10-12-86.
2. Letter of Dy. Manager (Pension) of Food Corporation of India No. A/25 (973)/ Pen/92/798 dt. 11-3-02 addressed to the applicant denying the payment of GSLIS.

The opposite party has filed photo copies of the letter of the food Corporation of India addressed to Life Corporation of India dt. 26-10-98, 20-5-02, 10-4-99, 22-4-03, 29-8-2000 and the photo copy of letter of Life Corporation of India dated 18-4-2000.

The opposite party has also filed photo copy of judgement of the Hon'ble High Court dt. 8-8-91 passed in writ petition no. 9043/89 between Sri P.K. Bhatnagar vs Food Corporation of India together with the copy of the termination order. The opposite party has also filed application of Sri. P.K. Bhatnagar dt. 8-8-91 Asstt. Manager (Depot) addressed to District Manager, Food Corporation of India.

Heard representative of the parties and perused the various evidence on record carefully. It is admitted fact that the Sri P.K. Bhatnagar was member of GSLIS scheme. During the course of employment he was terminated and later on reinstated. After reinstatement the Food Corporation of India did not remitt the premium to the LIC till his death. On 1-10-91. Whereas the employer Food Corporation of India has not send the premium in respect of the scheme to the LIC till his death.

It is undisputed that in the event of unfortunate death of the employer covered under the scheme the nominees ought to be paid on appropriate insurance money to which the deceased employee is entitled at the time of his death plus the amount accumulate with the interest in saving bank account. There is no contractual obligation on the part of the deceased worker and the LIC. It is liability of the

employer's to send the premium in time and the liability stands with the employer and the wife of the deceased Sri P.K. Bhatnagar is entitled to the insurance money.

It is noteworthy that the employer's claim is lodged with the LIC and LIC has not refused and the employer has a right to realise the insured sum from LIC in case they have not committed breach of the agreement between the parties.

On the discussions above, I come to the conclusion that more than 14 years have passed for the death of Sri P.K. Bhatnagar and the employer has not paid the insurance money to the wife of the deceased under GSI scheme and therefore Smt. Sushila Devi Bhatnagar is entitled to receive insurance amount from its employer i.e. Food Corporation of India the Opposite Party No.1 and 2. The issue referred is therefore answered in negative against the management and in favour of the workman. The insurance money is to be paid to the wife of the deceased within a period one month after publication of award. In case of default in payment the wife of the deceased shall be entitled to recover insurance money alongwith interest @ 8% per annum from the date dues were paid to the wife of Sri P.K. Bhatnagar. The interest at 24% is absolutely unreasonable and even 15% is not reasonable as interest rates have gone considerable down.

Lucknow

6-12-2005 SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2005

क्रा. आ. नं. ४५. — औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण से, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय-11, नई दिल्ली के पंचाट (संदर्भ संख्या 79/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-22012/373/2002-आई आर (सी-11)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th December, 2005

S.O. ४५. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 79/2003) of the Central Government Industrial Tribunal/ Labour Court-II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 15-12-2005.

[No. L-22012/373/2002-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Present : Shrikant Shukla, Presiding Officer

I.D. No. 79/2003

Ref. No. L-22012/373/2002-IR (CM-II) Dt. 17-7-2003

Between :

The State Secretary,
PCI Executive Staff Union, Regional
Committee, 5-6 Habibullah Estate,
Hazratganj, Lucknow

AND

The District Manager,
Food Corporation of India,
Distt. Office, Faizabad
Faizabad

The Sr. Regional Manager,
Food Corporation of India,
5-6 Habibullah Estate,
Hazratganj, Lucknow

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute No. L-22012/373/2002-IR (CM-II) dated 17-7-2003 for adjudication to Presiding Officer, CGIT-cum-Labour Court, Lucknow.

क्या भारतीय खाद्य निगम प्रबंधन द्वारा श्री प्रहलाद, तकनीकी सहायक, द्वितीय की टी. ए/डी. ए. एवं अटेन्डेन्ट सुविधा (अवधि 28-10-96 से 30-12-96) सरकुलर सं. 03 दिनांक 12-1-2000 के द्वारा रिकवर किया जाया व्याधीन तथा व्याय संगत है ? यदि नहीं, तो कर्मकार किस अनुवोष का अधिकारी है ?

The parties filed the statement of claim and the written statement. Worker was also examined but parties preferred to compromise the case outside the court and accordingly worker file the affidavit A-31 that he has compromised outside court.

In the interest of justice the statement of worker is recorded. The worker has stated on oath that the recovery made by the management in respect of TA/DA and Attendant facility during the period 28-10-96 to 30-12-99 was justified. Since the said facility was given to indoor patient only. In the circumstances the worker has compromise with the management of his own with free will. Sri S. Farookh also verified the facts of compromise. In the circumstances the issue is answered in affirmative. Worker is not entitled to any relief. Award disposed off accordingly.

Lucknow

7-12-2005 SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2005

का. आ. 86.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 76/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2005 को प्राप्त हुआ था।

[सं. एल-12011/155/2002-आई आर (बी-11)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 16th December, 2005

S.O. 86. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 76/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur (U.P.) as shown in the Annexure, in the Industrial Dispute between the management of Punjab National Bank and their workman, received by the Central Government on 12-12-2005.

[No. L-12011/155/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR, U. P.

Industrial Dispute No. 76 of 2002

In the matter of dispute between :—

General Secretary,
U.P. Bank Karamchari Sangh,
45-A Chandra Nagar, Lal Bangla,
Kanpur-208007

And

The Sr. Zonal Manager,
Punjab National Bank,
Zonal Officer, Birhana Road,
Kanpur-208007

AWARD

1. Central Government, Ministry of Labour, vide notification No. L-12011/155/2002-IR (B-II) dated 7-11-2002 has referred the following dispute for adjudication to this tribunal:—

“Whether the action of the Management of Punjab National Bank in retiring Sri Pradeep Kumar Saraswat from service w.e.f. 17-3-2001 by accepting his application dated 22-11-2000 seeking voluntary retirement which was once rejected, is legal and justified? If not what relief he is entitled for?

2. Briefly stated facts of the case as narrated by the workman in his statement of claim are that the management of Punjab National Bank vide circular no. 1755 dated 29-9-2000 had introduced voluntary retirement scheme. It is further alleged by the workman that while working as clerk at bank's Vidhnu Branch, Kanpur, he applied for seeking voluntary retirement under PNBVRS-2000, on 22-11-2000 on prescribed proforma. Workman further alleges that he received a letter dated 12-12-2000 from Sr. Manager (Personnel) Regional Office, Kanpur, by means of which it was informed to the workman that the request of the workman Sri Saraswat for voluntary retirement scheme 2000 has not found favour by the competent authority, thus the request of the workman for voluntary retirement stands rejected at the hands of the bank. Workman by means of his letter dated 15-12-2000 made a request to the authorities of the bank that if the request of the workman for seeking voluntary retirement has been rejected the same be treated as rejected as the workman intends to continue in the service of the bank, but that request of the workman could not find favour by the authorities of the bank. It has further been alleged that the management of Punjab National Bank had suddenly relieved the workman from bank's service vide letter dated 17-3-2001 giving reference to his application dated 22-11-2000 for voluntary retirement which was once rejected by the authorities of the bank. It has further been alleged by the workman that he had not been paid retiral dues correctly. It is alleged by the workman that the above action of the bank is absolutely illegal, arbitrary and against principle of natural justice and is liable to be set aside and the workman would be deemed to be continuing in bank's service on the premises as if he had not been retired from the services of the bank. It has also been prayed by the workman that he be awarded full back wages w.e.f. 17-3-2001.

3. The claim of the workman has been denied by the bank on the ground that since Sri Pradeep Kumar Saraswat had sought voluntary retirement under PNBVRS-2000 and was relieved in terms of the request made by him under the said scheme as such Sri Saraswat ceased to be a workman as defined under Section 2(s) of the Industrial Disputes Act and no industrial dispute in respect of workman can be legally raised by the union. It is further alleged that since at the relevant time disciplinary action was pending against workman his request for voluntary retirement from bank's service was not considered and this was informed to the workman by Regional Office, Kanpur, vide its letter dated 8-12-2000 and after disciplinary action was concluded request made by workman under PNBVRS-2000 for voluntary retirement from bank's service was considered by the competent authority and thereafter he was relieved from the service of the bank on 17-3-01. It is also alleged that the workman has been paid cash exgratia amounting to

Rs. 588074/- in terms of the said scheme and his other terminal dues have already been paid such as leave encashment, gratuity and pension etc. The bank has also denied of having received any appeal from workman on 15-12-2000 against earlier non acceptance of his request seeking voluntary retirement which was communicated to him vide letter dated 8-12-2000. It has further been alleged by the bank that the workman had all opportunity to withdraw his request seeking voluntary retirement as has been done in other cases. It is further alleged that the workman had accepted relieving letter without any demure. On the basis of above pleadings it has been prayed by the bank that the action of the management in having relieved Sri Sarawat on VRS be held legal and justified and Sri Saraswat is not entitled to any relief as prayed for or otherwise.

4. After exchange of pleadings between the parties both parties filed documentary evidence. Whereas workman examined himself as W.W.1, management was debarred from adducing evidence.

5. Heard the valued arguments advanced on behalf of the management. The workman reiterated and argued his claim vehemently. Perused the entire record.

6. The only controversy which requires determination is as to whether the Voluntary Retirement Scheme-2000 circulated by the bank management was applicable on the workman Sri Saraswat and that the application dtd. 22-11-2000 seeking Voluntary Retirement Scheme by the employee which was once rejected by the management on consideration and rejection result communicated to the employee may be reopened for consideration and acted upon by the bank without giving any opportunity to the workman in this regard even after lapse of the validity period of voluntary retirement scheme. The bank has filed the original voluntary retirement scheme which was circulated vide circular no. 1755 dated 29-9-2000. The relevant provision of the said voluntary retirement scheme may be reproduced which makes clear the criteria of eligibility of the workman applying for voluntary retirement. It is given at page 2 at serial no. 5.2. It specifically barred under the scheme the employee shall not be eligible for voluntary retirement scheme against whom any disciplinary proceedings are pending or that such employee is under suspension. Admittedly against the workman Sri Sarawat disciplinary action was pending when he sought voluntary retirement scheme under the provisions PNBEVRS-2000 as mentioned in para two of the written statement filed on behalf of the management of Punjab National Bank. It is also not in dispute that the prayer of the workman seeking voluntary retirement scheme was not accepted earlier by the competent authority on consideration and non acceptance of the application of the workman seeking voluntary retirement scheme was duly communicated to the workman vide letter dtd. 8-12-2000. This fact is also admitted by the

management in their reply vide para 15 of the written statement which further goes to admit the fact that the request of Sri Saraswat for voluntary retirement was reconsidered by the competent authority after conclusion of the disciplinary action against him and the same was accepted later on.

7. The contention of the workman is that once the application dtd. 22-11-2000 seeking voluntary retirement scheme made by him has been rejected after due consideration by the competent authority the same cannot be reopened unless the workman himself volunteers or consent of the workman is obtained prior to reconsideration of the request of the workman seeking voluntary retirement scheme. Admittedly in the present case no such acceptance or consent of the workman was obtained by the management before reconsideration of the application seeking voluntary retirement scheme by the workman. Thus once an offer or proposal made by the workman is rejected the same cannot be reopened without obtaining prior consent of the workman for reconsideration of the application seeking voluntary retirement scheme. The action of the management is therefore a clear example of an arbitrary and illegal action taken by the management without considering the various norms of natural justice and legal proceedings.

8. Even the order passed by the management could also be held illegal and arbitrary on the ground that the said order was passed after the limited period of scheme was already over which as per the scheme was open for a limited period i.e. 1-11-2000 to 30-11-2000. It may also be reiterated that the said scheme admittedly does not apply to the workman in view of the provisions as mentioned above in para 5.2 of the PNBEVRS-2000 which clearly prohibits that such employees against whom disciplinary proceedings are pending at the relevant period would not be eligible for seeking VRS and therefore the application of the workman moved on 22-11-2000 seeking voluntary retirement from the service of the bank cannot be considered by the bank. If it was the intention of the management not to consider the request of such persons against whom disciplinary proceedings were pending at the relevant time it is not understandable as to how the management chose to reconsider the request of workman seeking voluntary retirement scheme and that too after the competent authority had rejected the request of the workman seeking voluntary retirement by the competent authority of the bank.

9. The workman further argued that on seeing rejection order passed by the competent authority and communicated through branch manager regarding non-acceptance of the application seeking voluntary retirement scheme by the bank, the workman again sent a letter dated 15-12-2000 through the branch manager expressly praying that as his application has been rejected he will continue in service and contest all illegal action of the bank by way of disciplinary proceedings illegally initiated against him and

would also attend to seek further promotions by remaining in the service of the bank. The management has denied that such application has been received by them. A copy of the application duly received by the management is on record which is paper No. 7 to 14 of the list of documents held by workman which strengthens the stand taken by the workman that after rejection of his earlier application seeking VRS he had given up the prayer seeking his VRS from the services of the bank. This shows that there was no application pending for consideration before the management for seeking VRS by the workman after expiry of the relevant period when such scheme was in force. In this manner it is quite clear that the management was not competent to reconsider and pass an order directing voluntary retirement of the workman without giving him an opportunity of hearing or a prayer not in existence for seeking voluntary retirement at that time.

10. The whole of the scenario after going through the record makes it implicit clear that the management was adamant to remove the workman by adopting any illegal and arbitrary action not permitted under law. The management had not been in a position to adduce any evidence contrary to the contention of the workman.

11. The action of the management of Punjab National Bank in retiring Sri Pradeep Kumar Sarswat from service w.e.f. 17-3-01 by accepting his application dated 22-11-2000 seeking voluntary retirement scheme which was once rejected cannot therefore be held to be legal and justified. The natural consequence therefore is that the workman would be deemed to be in regular service of the bank w.e.f. 17-3-2001 and would be further entitled for all consequential relief by way of pay and allowances, increments and promotions if due.

12. It has been lastly argued by the management that the amount or VRS has already been paid to the workman and credited to his account. In the event of eventuality also the bank is authorised to adjust the amount of VRS against the amount payable to workman during the period and the workman would not be denied to perform his duties till he attains the age of superannuation or under other provision of law.

13. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2005

का. आ. 87—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, नई दिल्ली के पंचाट

(संदर्भ संख्या 03/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-42012/12/2003-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th December, 2005

S.O. 87.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2004) of the Central Government Industrial Tribunal/Labour Court -II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to management of C.P.W.D. and their workman, which was received by the Central Government on 15-12-2005.

[No. L-42012/12/2003-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer: R.N. RAI.

I.D. NO. 3/2004

In the matter of :—

The General Secretary
All India CPWD (MRM) Karamchari Sangathan,
4823, Balbir Nagar Extension, Gali No. 13,
Shahdara, New Delhi-32.

VERSUS

The Director General of Works,
Central Public Works Department,
Nirman Bhavan,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/12/2003-IR (CM-II) Central Government Dtd. 30-12-2003 has referred the following point for adjudication.—

The point runs as hereunder:—

“Whether the action of All India CPWD (MRM) Karamchari Sangathan for reinstatement/regularization of Shri Gokulchand Swain, S/o. Shri Brindaban Swain in the establishment of CPWD is legal and justified? If yes, to what relief the workman is entitled and from which date?”

The reference was received in 2003 and notice was issued to the General Secretary of the Organization. He did not turn up. He has not filed statement of claim. Notices have been sent still none has turned up. No statement of claim has been filed.

No dispute award is given.

R.N. RAI, Presiding Officer

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 23 दिसम्बर, 2005

का. आ. 88—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01-01-06 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

जिला-अलवर में तहसील-तिजारा के राजस्व ग्राम—चौपानकी, गन्धौला, जोडिया, भूडली, बन्दापुर, अमलाकी, कारेण्डा, कारेण्डी खेड़ी, गाडपुर, फलसा, बहादरी, शाहडोद और हुसैपुर के अन्तर्गत आने वाले क्षेत्र।

[सं. एस-38013/66/2005-एस एस-1]

के.सी. जैन, निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 23rd December, 2005

S.O. 88.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Rajasthan namely:—

The areas comprising the revenue villages of Chopanki, Gandhola, Jodiya, Bhudali, Bandapur, Amlaki, Karenda, Karendi, Kheri, Gaudpur, Falsha, Bahadri, Shahadod and Husepur of Tehsil Tijara in District Alwar.

[No. S-38013/66/2005-SS-I]

K.C. JAIN, Director

नई दिल्ली, 23 दिसम्बर, 2005

का. आ. 89—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जनवरी, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

जिला-अलवर में तहसील-बहरोड़ के निम्नलिखित राजस्व ग्रामों के अन्तर्गत आने वाले क्षेत्र :—

जैनपुर बास (सोतानाला), गूँती श्यामपुरा, शिमला, सरविन्दपुरा, गुजरवास, तलवाड़, मोमनपुर, जलालपुर-नांगलिया, शेरपुर, गोकुलपुर,

कांकर छाजा, कृष्ण नगर, गाधोज, तसींग, खोहरी, नांगलिया, नासरपुर, सागली, मावड़ी, रामसिंपुरा, नंगलीसाई, सोरवा, बूढवाल, खाटन खेड़ा, मिलकपुर, भिटेड़ा, बीघाना, चांदीचाना, दुधेड़ा, हमजापुर, नंगलारूढ़, बांटखानी, कांकरदोष।

कोलीला सांगा, कोलीला जोगा, कोलीला राबड़, फतेहपुर, बिचपुरी, पीपली, माजरी कलां, माजरी खुर्द, विजयसिंहपुरा, रोडवाल, मुकन्द सिंह पुरा, भीमसिंहपुरा, सलारपुर, माजरा, कान्हावास, बसई भोपावाली, दिलोठ, जौनायचा कला, श्रीयानी, कालिया होड़ा, दूढारिया।

[सं. एस-38013/67/2005-एस एस-1]

के.सी. जैन, निदेशक

New Delhi, the 23rd December, 2005

S.O. 89.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Sections 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Rajasthan namely:—

The areas comprising the revenue villages of Tehsil Behror in District Alwar :—

Jainpur Bass (Sotanala), Gunty, Shyampura, Shimla, Sarvindpur, Gujarwas, Talwad, Momanpur, Jalalpur-Nanglia, Sherpur, Gokalpur, Kankar-Chhaza, Krishan Nagar, Gadoj, Tasingh, Khohari, Nanglia, Nasarpur Sagli, Mawadi, Ramsinghpura, Nangli Sai, Sorwa, Bhudwal, Khatan Kheda, Milakpur, Bhiteda, Bighana, Chandi Chana, Dughera, Hamzapur, Nagalarudh, Bat Khani, Kanakardopa,

Kolila Saanga, Kolila Joga, Kolia Rabad, Fatehpur, Bichpuri, Pipli, Mazrikala, Majarikhurdh, Vijay Singh Pura, Rodwal, Mukandsinghpura, Bhimsinghpura, Salarpur, Majra, Kanha Was, Basai Bhopawali, Dhilloth, Jonayacha Kala, Shreeyani, Dudharia, Kallia Hoda.

[No. S-38013/67/2005-S S-I]

K.C. JAIN, Director

नई दिल्ली, 23 दिसम्बर, 2005

का. आ. 90—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01-01-06 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय

जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

जिला-भीलवाड़ा में तहसील-सहाड़ा के राजस्व ग्राम गणेशपुरा के अन्तर्गत आने वाले क्षेत्र।

[सं. एस-38013/65/2005-एस एस-1]

के. सी. जैन, निदेशक

New Delhi, the 23rd December, 2005

S.O. 90 —In exercise of the powers conferred by sub-section (3) of Section I of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (I) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Rajasthan namely:—

"The areas comprising the revenue village of Ganeshpura of Tehsil Sahara in District Bhilwara."

[No. S-38013/65/2005-SS-1]

K. C. JAIN, Director

नई दिल्ली, 26 दिसम्बर, 2005

का. आ. 91.—केन्द्रीय सरकार, सिनेमा कर्मकार कल्याण निधि अधिनियम, 1981 (1981 का 33) की धारा 9 अनुसरण में, वर्ष 2004-2005 के लिए उक्त अधिनियम के अधीन लेखाओं का विवरण और वित्त पोषित क्रियाकलापों को रिपोर्ट, अनुसूची-1 और अनुसूची-2 के अनुसार क्रमशः निम्न प्रकार से प्रकाशित करती है :—

अनुसूची - 1

वर्ष 2004-05 के लिए सिनेमा कर्मकार कल्याण निधि के लेखाओं का विवरण

आय	(हजार रुपए में)
1-4-2004 को आरंभिक बकाया	1.52 करोड़
वर्ष 2004-05 के दौरान अंतरित उपकर	0.61 करोड़
कुल आय	2.13 करोड़
व्यय	
मुख्य शीर्ष - 2230	
01.110 सिनेमा कर्मकार कल्याण निधि	
01.110.02 - प्रशासन	

लेखा का शीर्ष	इकाई	रकम (हजार रुपए में)
1	2	3
02.00.11	घरेलू यात्रा भत्ते	76
02.00.13	कार्यालय व्यय	79
02.00.50	अन्य प्रभार	..
	योग	155

01.110 सिनेमा कर्मकार कल्याण निधि

01.110.01 - स्वास्थ्य

लेखा का शीर्ष	इकाई	रकम (हजार रुपए में)
02.00.01	वेतन	2539
02.00.02	मजदूरी	8
02.00.11	घरेलू यात्रा व्यय	94
02.00.13	कार्यालय व्यय	167
02.00.14	भाड़े की दरें और कर	53
02.00.21	सामग्री और प्रदाय	779
02.00.50	अन्य प्रभार	1450
02.00.51	मोटर यान	73
	योग	5163

01.110 सिनेमा कर्मकार कल्याण निधि

01.110.03 - शिक्षा

लेखा का शीर्ष	इकाई	रकम (हजार रुपए में)
03.00.34	छात्रवृत्ति और अध्ययनवृत्ति	3470
03.00.50	अन्य प्रभार	
	योग	3470
कुल योग (सिनेमा कर्मकार कल्याण निधि)		8788

कुल आय	2.13 करोड़
कुल व्यय	0.88 करोड़
01-04-2005 को सिनेमा कर्मकार कल्याण निधि के अधीन आरक्षित निधि	1.25 करोड़

अनुसूची 2

वर्ष 2004-05 के दौरान सिनेमा कर्मकार कल्याण निधि के अधीन वित्त पोषित क्रियाकलाप

क्रम सं.	क्रियाकलाप का नाम	इकाई
1	2	3
क.	स्वास्थ्य	
1.	स्थिर-सह-चल/स्थिर एलोपैथिक और स्थिर आयुर्वेदिक औषधालय	03
2.	रोगी जिनका औषधालयों में उपचार किया गया	94064
3.	हृदय रोगों के संबंध में सिनेमा कर्मकारों का उपचार	11

ख. सामाजिक सुरक्षा

4. ग्रुप बीमा स्कीम 23867

ग. शिक्षा

5. सिनेमा कर्मकारों के विद्यालय जाने वाले बालकों को छात्रवृत्ति और अन्य वित्तीय सहायता का दिया जाना। 2915

[फा. सं. एस-51025/01/2003-डब्ल्यू-II]

मनोहर लाल, महानिदेशक (श्रम कल्याण)/संयुक्त सचिव

New Delhi, the 26th December, 2005

S.O. 91.—In pursuance of Section 9 of the Cine workers Welfare Fund Act, 1981 (33 of 1981), the Central Government hereby publishes the statement of accounts and the report of the activities financed under the said Act, for the year 2004-2005 as per Schedule-I and Schedule-II, respectively, as under :—

SCHEDULE-I

STATEMENT OF ACCOUNTS OF CINE WORKERS WELFARE FUND FOR THE YEAR 2004-2005

INCOME:	(Rs. in thousand)
Opening Balance as on 01-4-2004	1.52 Crore
Cess Transferred during the year 2004-2005	0.61 Crore
TOTAL INCOME	2.13 Crore

EXPENDITURE:**Major Head—2230****01.110. Cine Workers Welfare Fund****01.110.02.—Administration**

Head of Account	Units	Amount (Rs. in thousand)
1	2	3
02.00.11	Domestic Travelling Allowances	76
02.00.13	Office Expenses	79
02.00.50	Other Charges	—
Total		155

01.110. Cine Workers Welfare Fund**01.110.01—Health**

Head of Account	Units	Amount (Rs. in thousand)
01.00.01	Salaries	2539
01.00.02	Wages	8
01.00.11	Domestic Travelling Expenses	94
01.00.13	Offices Expenses	167
01.00.14	Rent Rates and Taxes	53
01.00.21	Material and Supply	779
01.00.50	Other Charges	1450
01.00.51	Motor Vehicles	73
Total		5163

01.110. Cine Workers Welfare fund**01.110.03—Education**

Head of Account	Units	Amount (Rs. in thousand)
03.00.34	Scholarship and Stipend	3470
03.00.50	Other Charges	—
Total		3470

GRAND TOTAL (Cine Workers Welfare Fund) 8788

TOTAL INCOME

2.13 Crore

TOTAL EXPENDITURE

0.88 Crore

RESERVER FUND

1.25 Crore

UNDER CINE WORKERS WELFARE FUND

As on 01-4-2005

SCHEDULE—II

ACTIVITIES FINANCE UNDER THE CINE WORKERS WELFARE FUND DURING THE YEAR 2004-2005

Serial Number	Name of the Activity	Units
A. HEALTH:		
1.	Static-cum-Mobile/Static Allopathic and Static Ayurvedic Dispensaries.	03
2.	Patients treated in dispensaries.	94064
3.	Treatment of cine Workers in respect of Heart Diseases.	11
B. SOCIAL SECURITY:		
4.	Group Insurance Scheme:	23867
C. EDUCATION:		
5.	Award of Scholarship and other financial assistance to the school going children of cine Workers	2915

[F. No. S-51025/01/2003-W- II]

MANOHAR LAL, Director General
(Labour Welfare)/Jt. Secy.

नई दिल्ली, 26 दिसम्बर, 2005

का. आ. 92.—केन्द्रीय सरकार, अभ्रक खान श्रम कल्याण निधि अधिनियम, 1946 (1946 का 22) की धारा 3 की उपधारा (4) के अनुसरण में, वर्ष 2004-2005 के लिए उक्त अधिनियम के अधीन लेखाओं का विवरण और वित्त पोषित क्रियाकलापों की रिपोर्ट, अनुसूची-1 और अनुसूची-2 के अनुसार क्रमशः निम्न प्रकार से प्रकाशित करती है :—

अनुसूची - 1

वर्ष 2004-05 के लिए अभ्रक श्रम कल्याण निधि के लेखाओं का विवरण

आय

1-4-2004 को आरंभिक बकाया	2.18 करोड़
वर्ष 2004-05 के दौरान अंतरित उपकर	1.15 करोड़
कुल आय	3.33 करोड़

व्यय

मुख्य शीर्ष-2230

01.105 अभ्रक खान श्रम कल्याण निधि

01.105.02-प्रशासन

लेखा का शीर्ष	इकाई	रकम (हजार रुपए में)
01.00.01	वेतन	1941
01.00.02	मजदूरी	26
01.00.06	चिकित्सा उपचार	7
01.00.11	घरेलू यात्रा भत्ते	37
01.00.13	कार्यालय व्यय	50
01.00.27	लघु कार्य	4
01.00.50	अन्य प्रभार	1
	योग	2066

01.105 अभ्रक खान श्रम कल्याण निधि

01.105.02-स्वास्थ्य

लेखा का शीर्ष	इकाई	रकम (हजार रुपए में)
02.00.01	वेतन	4951
01.00.02	मजदूरी	14
01.00.11	घरेलू यात्रा भत्ते	114
01.00.13	कार्यालय व्यय	100
02.00.21	सामग्री और प्रदाय	175
01.00.27	लघु कार्य	5
01.00.50	मशीनरी और उपस्कार	97
	योग	5456

01.105 अभ्रक खान श्रम कल्याण निधि

01.105.03-शिक्षा

लेखा का शीर्ष	इकाई	रकम (हजार रुपए में)
03.00.01	वेतन	2621
03.00.02	मजदूरी	12
03.00.11	घरेलू यात्रा भत्ते	31
03.00.34	छात्रवृत्ति और अध्ययनवृत्ति	66
	योग	2730

01.105 अभ्रक खान श्रम कल्याण निधि

01.105.04-मनोरंजन

लेखा का शीर्ष	इकाई	रकम (हजार रुपए में)
04.00.01	वेतन	428
04.00.11	घरेलू यात्रा व्यय	5
04.00.21	सामग्री और प्रदाय	..
04.00.50	अन्य प्रभार	1
	योग	434
	कुल योग (अभ्रक)	10686

कुल आय 3.33 करोड़

कुल व्यय 1.07 करोड़

01.04.2005 को अभ्रक निधि 2.26 करोड़
के अधीन आरक्षित निधि

अनुसूची - 2

वर्ष 2004-05 के दौरान अभ्रक खान निधि के अधीन
वित्त पोषित क्रियाकलाप

क्रम सं.	क्रियाकलाप का नाम	इकाई
स्वास्थ्य		
1.	स्थिर-सह-चल/स्थिर एलोपैथिक और स्थिर आयुर्वेदिक औषधालय	09
2.	अभ्रक खान कर्मचारियों के लिए अस्पताल	02
3.	दुर्घटना के निपटाए गए मामले	..
4.	रोगी जिनका अस्पतालों/औषधालयों में उपचार किया गया	66701

ख. शिक्षा

5. अभ्रक खान कर्मचारों के विद्यालय जाने वाले बालकों को छात्रवृत्ति और अन्य वित्तीय सहायता का दिया जाना। 81

ग. मनोरंजन

6. श्रव्य-दृश्य सेटो/सिनेमा वैनो की माफत अभ्रक खान कर्मचारों के लिए फिल्मों का प्रदर्शन 5

[फा. स. एस.-22025/3/2005-डब्ल्यू-II]

मनोहर लाल, महानिदेशक (श्रम कल्याण)/संयुक्त सचिव

New Delhi, the 26th December, 2005

S.O. 92.—In pursuance of sub-section (4) of section 3 of the Mica Mines Labour Welfare fund Act, 1946 (22 of 1946), the Central Government hereby publishes the statement of accounts and the report of the activities financed under the said Act, for the year 2004-05 as per schedule-I and Schedule-II, respectively, as under:—

SCHEDULE-I

**STATEMENT OF ACCOUNTS OF MICA MINES
LABOUR WELFARE FUND FOR
THE YEAR 2004-05**

INCOME:

Opening Balance as on 01-4-2004	2.18 Crore
Cess Transferred during the Year 2004-05	1.15 Crore
TOTAL INCOME	3.33 Crore

EXPENDITURE:**MAJOR HEAD-2230****01-105. MICA MINES LABOUR WELFARE FUND****01-105.01—ADMINISTRATION**

Head of Account	Units	Amount (Rs. in thousand)
01.00.01	Salaries	1941
01.00.02	Wages	26
01.00.06	Medical Treatment	7
01.00.11	Domestic Travelling Expenses	37
01.00.13	Office Expenses	50
01.00.27	Minor Work	4
01.00.50	Other Charges	1
TOTAL		2066

01-105. MICA MINES LABOUR WELFARE FUND**01-105.02—HEALTH**

Head of Account	Units	Amount (Rs. in thousand)
02.00.01	Salaries	4951
02.00.02	Wages	14
02.00.11	Domestic Travelling Allowances	114
02.00.13	Office Expenses	100
02.00.21	Material & Supply	175
02.00.27	Minor Work	5
02.00.52	Machinery & Equipment	97
TOTAL		5456

01-105. MICA MINES LABOUR WELFARE FUND**01-105.03—EDUCATION**

Head of Account	Units	Amount (Rs. in thousand)
03.00.01	Salaries	2621
03.00.02	Wages	12
03.00.11	Domestic Travelling Expenses	31
03.00.34	Scholarship & Stipend	66
TOTAL		2730

01-105. MICA MINES LABOUR WELFARE FUND**01-105.04—RECREATION**

Head of Account	Units	Amount (Rs. in thousand)
04.00.01	Salaries	428
04.00.11	Domestic Travelling Expenses	5
04.00.21	Material & Supply	—
04.00.50	Other Charges	1
TOTAL		434

GRAND TOTAL (Mica) 10686**TOTAL INCOME 3.33 CRORE****TOTAL EXPENDITURE 1.07 CRORE****RESERVE FUND UNDER MICA FUND****As on 01-04-2005 2.26 Crore****SCHEDULE-II**

**ACTIVITIES FINANCED UNDER THE MICA MINES
LABOUR WELFARE FUND DURING
THE YEAR 2004-05**

S.NO.	NAME OF THE ACTIVITY	UNITS
-------	----------------------	-------

A. HEALTH:

- | | |
|--|-------|
| 1. Static-cum-Mobile/Static, Allopathic and Static Ayurvedic Dispensaries. | 09 |
| 2. Hospitals for the Mica Mines workers | 02 |
| 3. Accident cases settled | — |
| 4. Patients treated in Hospitals/dispensaries | 66701 |

B. EDUCATION:

- | | |
|--|----|
| 5. Award of Scholarship and other financial assistance to the school going children of Mica Mines Workers. | 81 |
|--|----|

C. RECREATION:

- | | |
|--|---|
| 6. Exhibition of films for Mica Mines workers through Audio-visual Sets/Cinema Vans. | 5 |
|--|---|

[F. No. S-22025/3/2005-W-II]

MANOHAR LAL, Director General (Labour Welfare)/

Jt. Secy.

नई दिल्ली, 26 दिसम्बर, 2005

का. आ. 93.—केन्द्रीय सरकार, बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का 62) की धारा 10 के अनुसरण में, वर्ष 2004-2005 के लिए क्रमशः नीचे दी गई अनुसूची 1 और अनुसूची 2 के अनुसार लेखाओं का विवरण और उक्त अधिनियम के अधीन वित्त पोषित क्रियाकलापों की रिपोर्ट प्रकाशित करती है:—

अनुसूची 1

आय :

तारीख 1-4-2004 को आरंभिक अतिशेष	53.95 करोड़ रुपए
वर्ष 2004-2005 के दौरान अंतर्गत उपकर	72.29 करोड़ रुपए
कुल लाभ	126.34 करोड़ रुपए

व्यय :

मुख्य शीर्ष—2230

01.109—बीड़ी कर्मकार कल्याण निधि

01.109.05—प्रशासन

लेखाशीर्ष	यूनिट	रकम (हजार रुपए में)
1	2	3
05.00.01	वेतन	21260
05.00.02	मजदूरी	137
05.00.03	अतिकाल भत्ता	55
05.00.06	चिकित्सा उपचार	77
05.00.11	घरेलू यात्रा व्यय	1784
05.00.13	कार्यालय व्यय	6336
05.00.14	किराया, दरें और कर	1299
05.00.16	प्रकाशन	160
05.00.27	लघु कार्य	29
05.00.28	वृत्तिक सेवाएं	119
05.00.50	अन्य प्रभार	39
योग		31295

01.109—बीड़ी कर्मकार कल्याण निधि

01.109.04—स्वास्थ्य

लेखाशीर्ष	यूनिट	रकम (हजार रुपए में)
1	2	3
04.00.01	वेतन	203445
04.00.02	मजदूरी	1537
04.00.03	अतिकाल भत्ता	11
04.00.06	चिकित्सा उपचार	240

1	2	3
04.00.11	घरेलू यात्रा व्यय	3247
04.00.13	कार्यालय व्यय	7341
04.00.14	किराया, दरें और कर	7212
04.00.16	प्रकाशन	10
04.00.21	सामग्री और प्रदाय	44293
04.00.26	विज्ञापन और प्रकाशन	237
04.00.27	लघु कार्य	40700
04.00.50	अन्य प्रभार	18330
04.00.51	मोटर यान	4529
04.00.52	मशनरी और उपस्कर	374
योग		331706

01.109—बीड़ी कर्मकार कल्याण निधि

01.109.03—शिक्षा

लेखाशीर्ष	यूनिट	रकम (हजार रुपए में)
1	2	3
03.00.26	विज्ञापन और प्रकाशन	200
03.00.34	छात्रवृत्ति और वृत्तिका	386337
03.00.50	अन्य प्रभार	15929
योग		402466

01.109—बीड़ी कर्मकार कल्याण निधि

01.109.02—आमोद-प्रमोद

लेखाशीर्ष	यूनिट	रकम (हजार रुपए में)
1	2	3
02.00.01	वेतन	402
02.00.03	अतिकाल भत्ता	9
02.00.06	चिकित्सा उपचार	43
02.00.11	घरेलू यात्रा व्यय	39
02.00.13	कार्यालय व्यय	11
02.00.27	लघु कार्य	48
02.00.50	अन्य प्रभार	758
योग		1310

01.109—बीड़ी कर्मकार कल्याण निधि

01.109—गृह-निर्माण

लेखाशीर्ष	यूनिट	रकम (हजार रुपए में)
1	2	3
01.03.01	वेतन	62
01.01.31	अपना स्वगृह निर्माण	
	करो स्कीम	114890
	सहायता अनुदान	
	सामूहिक गृह निर्माण	
	स्कीम	
	सहायिकी	
योग		114952

3724 44/05-34

कुल आय 126.34 करोड़ रुपए
कुल व्यय 88.83 करोड़ रुपए
तारीख 01-04-2005 को बीड़ी कर्मकार कल्याण निधि के अधीन
आरक्षित निधि 37.51 करोड़ रुपए

अनुसूची 2

वर्ष 2004-2005 के दौरान बीड़ी कर्मकार कल्याण निधि के
अधीन वित्तपोषित क्रियाकलाप

क्रम सं.	क्रियाकलाप का नाम	यूनिट
अ. स्वास्थ्य		
13.	स्थिर-सह-गतिशील/स्थिर एलोपैथिक और स्थिर आयुर्वेदिक चिकित्सालय	210
14.	बीड़ी कर्मकारों के लिए अस्पताल	04
15.	निर्माणाधीन अस्पताल	03
16.	तपेदिक से पीड़ित बीड़ी कर्मकारों का आवासीय उपचार	386
17.	कैंसर से पीड़ित बीड़ी कर्मकारों का उपचार	69
18.	मानसिक रोगों से पीड़ित बीड़ी कर्मकारों का उपचार	1
19.	कुष्ठरोग से पीड़ित बीड़ी कर्मकारों (धरकटा कर्मकारों सहित) का उपचार	3
20.	चश्में क्रय करने के लिए बीड़ी कर्मकारों को वित्तीय सहायता	2816
21.	महिला बीड़ी कर्मकारों के लिए प्रसूति प्रसुविधा स्कीम	6086
22.	बीड़ी कर्मकारों की नसबंदी के लिए धन संबंधी प्रतिकर का संदाय	224
23.	हृदय रोगों के संबंध में बीड़ी कर्मकारों का उपचार	65
24.	गुर्दा प्रत्यारोपण के संबंध में बीड़ी कर्मकारों का उपचार	10
आ. समाजिक सुरक्षा :		
13.	सामूहिक गृह निर्माण स्कीम के अंतर्गत आने वाले कर्मकारों की संख्या	954003
इ. गृह निर्माण :		
14.	एकीकृत गृह निर्माण स्कीम के अधीन स्वीकृति गृहों की संख्या	15789
ई. शिक्षा		
15.	बीड़ी कर्मकारों के स्कूल जाने वाले बालकों को छात्रवृत्ति और अन्य वित्तीय सहायता प्रदान करना	394541
उ. आमोद प्रमोद		
16.	श्रव्य-दृश्य सेटों/सिनेमा वेनों के माध्यम से बीड़ी कर्मकारों के लिए फिल्मों का प्रदर्शन	14
17.	बीड़ी कर्मकारों के लिए क्रीडाओं, खेलकूद, सामाजिक और सांस्कृतिक क्रियाकलाप आयोजित	4

[फा. सं. एस-24025/2/2005-डब्ल्यू.-2]

मनोहर लाल, महानिदेशक (श्रम कल्याण)/संयुक्त सचिव

New Delhi, the 26th December, 2005

S.O. 93.—In pursuance of Section 10 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976), the Central Government hereby publishes the statement of accounts and the report of the activities financed under the said Act, for the year 2004-2005 as per Schedule-I and Schedule-II, respectively, as under :—

SCHEDULE-I**INCOME:**

Opening Balance as on 01-4-2004	53.95 Crore
Cess Transferred during the Year 2004-2005	72.39 Crore
TOTAL INCOME	126.34 Crore

EXPENDITURE:**MAJOR HEAD-2230****01-109. BEEDI WORKERS WELFARE FUND****01-109.05—ADMINISTRATION**

Head of Account	Units	Amount (Rs. in thousands)
05.00.01	Salaries	21260
05.00.02	Wages	137
05.00.03	Over Time Allowances	55
05.00.06	Medical Treatment	77
05.00.11	Domestic Travelling Expenses	1784
05.00.13	Office Expenses	6336
05.00.14	Rent, Rates and Taxes	1299
05.00.16	Publication	160
05.00.27	Minor Work	29
05.00.28	Professional Services	119
05.00.50	Other Charges	39
TOTAL		31295

01-109. BEEDI WORKERS WELFARE FUND**01-109.04—HEALTH**

Head of Account	Units	Amount (Rs. in thousands)
04.00.01	Salaries	203445
04.00.02	Wages	1537
04.00.03	Over Time Allowances	11
04.00.06	Meddical Treatment	240
04.00.11	Domestic Travelling Expenses	3247
04.00.13	Office Expenses	7341
04.00.14	Rent, Rates and Taxes	7212
04.00.16	Publication	10
04.00.21	Material and Supply	44293
04.00.26	Advertisement and Publication	237
04.00.27	Minor Work	40700
04.00.50	Other Charges	18530
04.00.51	Motor Vehicle	4529
04.00.52	Machinery and Equipments	374
TOTAL		331706

01.109. BEEDI WORKERS WELFARE FUND

01.109.03—EDUCATION

Head of Account	Units	Amount (Rs. in thousands)
03.00.26	Advertisement and Publication	200
03.00.34	Scholarship and Stipend	386337
03.00.50	Other Charges	15929
TOTAL		402466

01.109. BEEDI WORKERS WELFARE FUND

01.109.02—RECREATION

Head of Account	Units	Amount (Rs. in thousands)
02.00.01	Salaries	402
02.00.03	Over Time Allowances	9
02.00.06	Medical Treatment	43
02.00.11	Domestic Travelling Expenses	39
02.00.13	Office Expenses	11
02.00.27	Minor Work	48
02.00.50	Other Charges	758
TOTAL		1310

01-109. BEEDI WORKERS WELFARE FUND

01.109.02—HOUSING

Head of Account	Units	Amount (Rs. in thousands)
01.00.01	Salaries	62
01.00.31	Build Your own House Scheme -Grants-in-Aid Group Housing Scheme-Subsidy	114890
TOTAL		114952

TOTAL INCOME 126.34 CRORE

TOTAL EXPENDITURE 88.83 CRORE

RESERVE FUND UNDER THE
BEEDI WORKERS WELFARE FUND 37.51 CRORE
As on 01-04-2005

SCHEDULE-II

ACTIVITIES FINANCED UNDER THE BEEDI
WORKERS WELFARE FUND DURING
THE YEAR 2004-05

S.NO.	NAME OF THE ACTIVITY	UNITS
A. HEALTH:		
1.	Static-cum-Mobile/Static, Allopathic and Static Ayurvedic Dispensaries.	210
2.	Hospitals for the Beedi workers	04
3.	Hospitals under construction	03
4.	Domiciliary Treatment of Beedi Workers suffering from tuberculosis	386
5.	Treatment of Beedi Workers suffering from Cancer	69
6.	Treatment of Beedi workers suffering from Mental diseases	1
7.	Treatment of Beedi Workers (including Gharkhata Workers) suffering from Leprosy	3
8.	Financial Assistance to Beedi Workers for purchase of Spectacles	2816
9.	Maternity Benefit Scheme for female Beedi Workers	6086
10.	Payment of Monetary Compensation for Sterilisation to Beedi Workers	224
11.	Treatment of Beedi Workers in respect of Heart Diseases	65
12.	Treatment of Beedi Workers in respect of Kidney Transplantation	10
B. SOCIAL SECURITY:		
13.	Group Insurance Scheme No. of workers covered)	954003
C. HOUSING:		
14.	Number of houses sanctioned under Integrated Housing Scheme	15789
D. EDUCATION:		
15.	Award of Scholarship and other financial assistance to the school going children of Beedi Workers	394541
E. RECREATION:		
16.	Exhibition of films for Beedi Workers through Audio-Visual Sets/Cinema Vans	14
17.	Organising sports, games, social and Cultural activities for Beedi Workers.	4

[F. No. S-24025/2/2005-W-II]

MANOHAR LAL,
Director General (Labour Welfare)/Jt. Secy.

नई दिल्ली, 26 दिसम्बर, 2005

का. आ. 94.—केन्द्रीय सरकार, चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि अधिनियम, 1972 (1972 का 62) की धारा 10 के अनुसरण में, वर्ष 2004-2005 के लिए क्रमशः नीचे दी गई अनुसूची 1 और अनुसूची 2 के अनुसार लेखाओं का विवरण और उक्त अधिनियम के अधीन वित्त पोषित क्रियाकलापों की रिपोर्ट प्रकाशित करती है :—

अनुसूची- 1**आय :**

तारीख 1-4-2004 को आरंभिक अतिशेष 28.61 करोड़ रुपये

वर्ष 2004-2005 के दौरान अंतरित उपकर 12.09 करोड़ रुपये

कुल आय	40.70 करोड़ रुपये
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व्यय :

मुख्य शीर्ष—2230

01.107 चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि**01.107.01—प्रशासन**

लेखा का शीर्ष	यूनिट	रकम (हजार रुपए में)
01.00.01	वेतन	9137
01.00.02	मजदूरी	111
01.00.03	अतिकाल भत्ता	24
01.00.06	चिकित्सा उपचार	30
01.00.11	घरेलू यात्रा व्यय	511
01.00.13	कार्यालय व्यय	2119
01.00.14	किराया दरें और कर	322
01.00.16	प्रकाशन	32
01.00.28	वृत्तिक सेवाएं	55
योग		12341

01.107 चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि**01.107.02—स्वास्थ्य**

लेखा शीर्ष	यूनिट	रकम (हजार रुपए में)
02.00.01	वेतन	24628
02.00.02	मजदूरी	274
02.00.03	अतिकाल भत्ता	7
02.00.06	चिकित्सा उपचार	17
02.00.11	घरेलू यात्रा व्यय	360
02.00.13	कार्यालय व्यय	866
02.00.14	किराया दरें और कर	449
02.00.21	सामग्री और प्रदाय	3538
02.00.27	लघु कार्य	166
02.00.31	सहायता अनुदान	8897
02.00.50	अन्य प्रभार	557
02.00.51	मोटर यान	984
योग		40743

01.107 चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि**01.107.05—शिक्षा**

लेखा शीर्ष	यूनिट	रकम (हजार रुपए में)
05.00.01	वेतन	91
05.00.11	घरेलू यात्रा व्यय	9
05.00.13	सामग्री और प्रदाय	1101
05.00.31	सहायता अनुदान	6
05.00.34	छात्रवृत्ति और वृत्तिका	11498
05.00.50	अन्य प्रभार	607
योग		13312

01.107 चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि**01.107.03—आमोद-प्रमोद**

लेखा शीर्ष	यूनिट	रकम (हजार रुपए में)
03.00.01	वेतन	2054
03.00.02	मजदूरी	0
03.00.03	अतिकाल भत्ता	4
03.00.11	घरेलू यात्रा व्यय	112
03.00.13	कार्यालय व्यय	125
03.00.14	किराया दरें और कर	94
03.00.21	सामग्री और प्रदाय	92
03.00.27	लघु कार्य	43
03.00.31	सहायता अनुदान	191
03.00.50	अन्य प्रभार	343
योग		3058

01.107 चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि**01.107.04—गृह-निर्माण**

लेखा शीर्ष	यूनिट	रकम (हजार रुपए में)
04.01.01	वेतन	611
04.02.31	निम्न लागत गृह निर्माण अपना स्वगृह निर्माण करो स्कीम	4210
04.03.31	सहायता अनुदान	852
योग (गृह निर्माण)		5673

कुल योग	75127
कुल आय	40.70 करोड़ रुपये
कुल व्यय	7.51 करोड़ रुपये
तारीख 01-04-2001 को निधि के अधीन आरक्षित निधि	33.19 करोड़ रुपये

अनुसूची - 2

वर्ष 2004-2005 के दौरान चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि के अधीन वित्तपोषित क्रियाकलाप

क्रम सं.	क्रियाकलाप का नाम	यूनिट
1	2	3

अ. स्वास्थ्य :

1. स्थिर-सह-गतिशील/स्थिर एलोपैथिक और स्थिर आयुर्वेदिक चिकित्सालय	32
2. चूना पत्थर और डोलोमाइट खान कर्मचारों के लिए अस्पताल	01
3. चिकित्सालयों/अस्पतालों में उपचार किए गए रोगी	414030
4. तपेदिक से पीड़ित चूना-पत्थर और डोलोमाइट खान कर्मचारों का आवासीय उपचार	19
5. कैंसर से पीड़ित चूना-पत्थर और डोलोमाइट खान कर्मचारों का उपचार	03
6. कुष्ठ रोग से पीड़ित चूना-पत्थर और डोलोमाइट खान कर्मचारों का उपचार	—
7. महिला चूना-पत्थर और डोलोमाइट खान कर्मचारों के लिए प्रसूति प्रसुविधा.	01
8. चूना-पत्थर और डोलोमाइट खान कर्मचारों की नसबंदी के लिए धन संबंधी प्रतिकर का संदाय	01
9. एंबुलेंस वेन का उपापन	02
10.	

आ. गृह निर्माण :

10. अपना स्वगृह निर्माण करो स्कीम, सामूहिक गृह निर्माण स्कीम, टाईप 1 और 2 गृह निर्माण स्कीम के अधीन स्वीकृत गृहों की संख्या	156
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इ. शिक्षा :

11. चूना-पत्थर और डोलोमाइट खान कर्मचारों के स्कूल जाने वाले बालकों को छात्रवृत्ति और अन्य वित्तीय सहायता प्रदान करना	15751
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1	2	3
12. बर्दी/पाठ्यपुस्तकों का प्रदाय		6724
13. स्कूल बस के लिए अनुदान		—
14. पुस्तकालयों के लिए अनुदान		—
ई. आमोद-प्रमोद:		
15. श्रव्य-दृश्य सेटों/सिनेमा वेनों के माध्यम से चूना-पत्थर और डोलोमाइट खान कर्मचारों के लिए फिल्मों का प्रदर्शन		58
16. चूना-पत्थर और डोलोमाइट खान कर्मचारों के लिए क्रीड़ाओं, खेलकूद, सामाजिक और सांस्कृतिक क्रियाकलापों का आयोजन		48

[फा. सं. एस.-50025/4/2005-डब्ल्यू -II]

मनोहर लाल, महानिदेशक (श्रम कल्याण)/संयुक्त सचिव

New Delhi, the 26th December, 2005

S.O. 94.—In pursuance of Section 10 of the Limestone and Dolomite Mines Labour Welfare Fund Act 1972 (62 of 1972), the Central Government hereby publishes the statement of accounts and the report of the activities financed under the said Act, for the year 2004-2005 as per Schedule-I and Schedule-II, respectively, as under:—

SCHEDULE-I

INCOME:

Opening Balance as on 01-4-2004	28.61 Crore
Cess Transferred during the Year 2004-05	12.09 Crore
TOTAL INCOME	40.70 Crore

EXPENDITURE:

MAJOR HEAD-2230

01-107. LIMESTONE AND DOLOMITE MINES
- LABOUR WELFARE FUND

01-107.01—ADMINISTRATION

Head of Account	Units	Amount (Rs. in thousands)
1	2	3
01.00.01	Salaries	9137
01.00.02	Wages	111
01.00.03	Over Time Allowances	24
01.00.06	Medical Treatment	30
01.00.11	Domestic Travelling Expenses	511
01.00.13	Office Expenses	2119

1	2	3
01.00.14	Rent, Rates and Taxes	322
01.00.16	Publication	32
01.00.28	Professional Services	55
TOTAL		12341

**01-107. LIMESTONE AND DOLOMITE MINES
LABOUR WELFARE FUND**

01.107.02—HEALTH

Head of Account	Units	Amount (Rs. in Thousands)
1	2	3
02.00.01	Salaries	24628
02.00.02	Wages	274
02.00.03	Over Time Allowances	7
01.00.06	Medical Treatment	17
02.00.11	Domestic Travelling Expenses	360
02.00.13	Office Expenses	866
02.00.14	Rent, Rates Taxes	449
02.00.21	Material and Supply	3538
02.00.27	Minor Work	166
02.00.31	Grants-in aid	8897
02.00.50	Other Charges	577
02.00.51	Motor Vehicle	984
TOTAL		40743

**01-107. LIMESTONE AND DOLOMITE MINES
LABOUR WELFARE FUND**

01.107.05—EDUCATION

Head of Account	Units	Amount (Rs. in thousands)
05.00.01	Salaries	91
05.00.11	Domestic Travelling Expenses	9
05.00.13	Material and Supply	1101
05.00.31	Grants-in-aid	6
05.00.34	Scholarship and Stipend	11498
05.00.50	Other Charges	607
TOTAL		13312

**01.107. LIMESTONE AND DOLOMITE MINES
LABOUR WELFARE FUND**

01.107.03—RECREATION

Head of Account	Units	Amount (Rs. in thousands)
03.00.01	Salaries	2054
03.00.02	Wages	0
03.00.03	Overtime Allowances	4
03.00.11	Domestic Travelling Expenses	112
03.00.13	Office Expenses	125
03.00.14	Rent, Rates and Taxes	94
03.00.21	Material and Supply	92
03.00.27	Minor Work	43
03.00.31	Grants-in-aid	191
03.00.50	Other Charges	343
TOTAL		3058

**01.107. LIMESTONE AND DOLOMITE MINES
LABOUR WELFARE FUND**

01.107.—HOUSING

Head of Account	Units	Amount (Rs. in thousands)
04.01.01	Salaries	611
04.02.31	Low Cost Housing	4210
04.03.31	Build Your Own House Scheme- Grants-in-Aid	852
Total (Housing)		5673
GRAND TOTAL		75127
TOTAL INCOME		40.70 Crore
TOTAL EXPENDITURE		7.51 Crore
RESERVED FUND UNDER THE FUND		33.19 Crore
As on 01-04-2005		

SCHEDULE-II

**ACTIVITIES FINANCED UNDER THE LIMESTONE
AND DOLOMITE MINES
LABOUR WELFARE FUND DURING
THE YEAR 2004-05**

S. No.	NAME OF THE ACTIVITY	UNITS
1	2	3
A. HEALTH:		
1.	Static-cum-Mobile/Static, Allopathic and Static Ayurvedic Dispensaries.	32
2.	Hospitals for the Limestone and Dolomite Mines Workers.	01

1	2	3
3. Patients treated in Dispensaries/ Hospitals		414030
4. Domiciliary Treatment of Limestone and Dolomite Mines Workers suffering from Tuberculosis		19
5. Treatment of Limestone and Dolomite Mines Workers suffering from Cancer.		03
6. Treatment of Limestone and Dolomite Mines Workers suffering from Leprosy.		—
7. Maternity Benefit Scheme for Female Limestone and Dolomite Mines Workers.		01
8. Payment of Monetary Compensation for Sterilisation to Limestone and Dolomite Mines Workers.		01
9. Procurement of ambulance van		02
B. HOUSING :		
10. Number of houses sanctioned under Build Your Own House Scheme, Group Housing Scheme, Type-I & II Housing Scheme.		156
C. EDUCATION :		
11. Award of Scholarship and other financial assistance to the school going children of Limestone and Dolomite Mines Workers		15751
12. Supply of uniform/text books		6724
13. Grant for school bus		—
14. Grant for libraries		—
D. RECREATION :		
15. Exhibition of films for Limestone and Dolomite Mines Workers through Audio-visual Sets/Cinema Vans.		58
16. Organising sports, games, Social and Cultural Activities for Limestone and Dolomite Mines Workers.		48

[F.No. S-50025/4/2005-W-II]

MANOHAR LAL, Director General
(Labour Welfare)/Jt. Secy.

आदेश

नई दिल्ली, 26 दिसम्बर, 2005

का. आ. 95—जबकि केन्द्रीय सरकार की यह राय थी कि अनुबंध-I में उल्लिखित प्रबंधन के संबंध में नियोजकों और अनुबंध-II में यथा उल्लिखित उनके कामगारों के बीच एक औद्योगिक विवाद विद्यमान था;

2. और जबकि केन्द्रीय सरकार की यह राय थी कि इस विवाद में राष्ट्रीय महत्व का प्रश्न समाहित था और उक्त विवाद का न्यायनिर्णयन एक राष्ट्रीय औद्योगिक न्यायाधिकरण द्वारा किया जाना चाहिए;

3. और जबकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने श्रम मंत्रालय के दिनांक 15-03-2002 के आदेश संख्या एल-29011/69/2001-आई. आर. (एम.) के द्वारा एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया था, जिसका मुख्यालय मुंबई में था और केन्द्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, मुंबई संख्या 1 के पीठासीन अधिकारी न्यायमूर्ति श्री एस.सी. पांडेय को इसके पीठासीन अधिकारी के रूप में नियुक्त किया था, और उक्त अधिनियम की धारा 10 की उपधारा (1-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त औद्योगिक विवाद को न्यायनिर्णयन के लिए उक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को संदर्भित किया था;

4. और जबकि न्यायमूर्ति श्री एस.सी. पांडेय ने उपर्युक्त राष्ट्रीय औद्योगिक न्यायाधिकरण का कार्यभार छोड़ दिया था;

5. इसलिए, अब एक राष्ट्रीय औद्योगिक न्यायाधिकरण का पुनः गठन किया जाता है जिसका मुख्यालय मुंबई में है और जिसके पीठासीन अधिकारी के रूप में न्यायमूर्ति श्री घनश्याम दास को नियुक्त किया जाता है तथा उपर्युक्त विवाद उक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को इस निर्देश के साथ न्यायनिर्णयन हेतु भेजा जाता है कि न्यायमूर्ति श्री घनश्याम दास इस मामले में उस अवस्था से कार्यवाई करेंगे जहां पर इसे छोड़ा गया था और कानून के अनुसार इसका निपटारा करेंगे।

[फा. सं. एल-29011/69/2001-आई. आर. (एम.)]

बी. एम. डेविड, अवर सचिव

ORDER

New Delhi, the 26th December, 2005

S. O. 95.—Whereas the Central Government was of the opinion that an industrial dispute exists between the employers in relation to the management as mentioned in Annexure-I and their workmen as mentioned in Annexure-II;

2. And whereas, the Central Government was of the opinion that the above dispute involved question of National importance and should be adjudicated by a National Industrial Tribunal:

3. An whereas, the Central Government in exercise of powers conferred by Section 7 B of the ID Act, 1947 (14 of 1947) constituted a National Industrial Tribunal *vide* Ministry of Labour Order No. 29011/69/2001-IR(M) dated 15-3-2002 with Headquarters at Mumbai and appointed Justice Shri S. C. Pandey, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No.1, Mumbai as the Presiding Officer, and in exercise of the powers conferred by Sub-section (1-A) of Section 10 of the said Act, referred the said industrial dispute to the said National Industrial Tribunal for adjudication.

4. And whereas Justice Shri S. C. Pandey relinquished charge of the above said National Industrial Tribunal.

5. Now therefore, a National Industrial Tribunal is reconstituted with Headquarters at Mumbai with Justice Ghanshyam Dass as its Presiding Officer and the above said dispute is referred to the said National Industrial

Tribunal for adjudication with the direction that justice Shri Ghanshyam Dass shall proceed in the matter from the stage at which it was left and dispose of the same according to law.

[F.No.L-29011/69/2001-IR(M)]

B. M. DAVID, Under Secy.

नई दिल्ली, 28 दिसम्बर 2005

का.आ. 96— केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि कोयला उद्योगों में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 04 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (6) द्वारा शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/2/1997-आईआर(पीएल)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 28th December, 2005

S.O. 96.—Whereas the Central Government is satisfied that the public interest requires that the services in the Coal Industry which is covered by item 04 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act for a period of six months.

[No. S-11017/2/1997-IR(PL)]

J. P. Pati, Jt. Secy

नई दिल्ली, 30 दिसम्बर 2005

का.आ. 97.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 2374 दिनांक 27-6-2005 द्वारा खनिज तेल (कच्चा तेल) मोटर और विमानन स्पिरिट, डीजल तेल, मिट्टी का तेल ईंधन तेल, विविधा हाइड्रोकार्बन तेल और उनके मिश्रण जिनमें सिंथेटिक तेल और इसी प्रकार के तेल शामिल हैं के निर्माण या उत्पादन में लगे उद्योगों में सेवाओं में है जो कि औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की

प्रथम अनुसूची की प्रविष्टि 26 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 16-7-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 16-1-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/6/1997-आईआर(पीएल)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 30th December, 2005

S.O. 97.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 2374 dated 27-6-2005 the services in Industry engaged in manufacture or production of mineral oil (crude oil) motor and aviation spirit, diesel oil, kerosene oil, fuel oil, diverse hydrocarbon oils and their blends including synthetic fuels, Lubricating oils and the like which is covered by item 26 of the First schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a Public utility service for the purpose of the said Act, for a period of six months from the 16th July, 2005.

And whereas, the Central Government is of opinion that Public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 16th January, 2006.

[No. S-11017/6/1997-IR(PL)]

J. P. Pati, Jt. Secy

नई दिल्ली, 27 दिसम्बर 2005

का.आ.98.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा -1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01-01-06 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय -4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय -5 और 6 (धारा-76 की उप धारा (1) और धारा- 77, 78 79 और 81 के सिवाय

जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात:—

“जिला तथा तालुक पलक्कड के राजस्व ग्राम मनकरा के अधीन आने वाले क्षेत्र”।

[सं. एस-38013/69/2005-एसएस-1]

के० सी० जैन०, निदेशक

New Delhi, the 27th December, 2005

S.O. 98.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employee's State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into Force) and Chapter-V and VI (except sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act, shall come into force in the following areas in the State of Kerala namely:—

“Mankara in palakkad Taluk and District.”

[No. S-38013/69/2005-SS-1]

K. C. JAIN, Director

नई दिल्ली, 27 दिसम्बर, 2005

का.आ. 99.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा -1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01-01-06 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय -4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय -5

और 6 (धारा-76 की उप धारा (1) और धारा- 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात:—

जिला जयपुर तहसील- सांगानेर के राजस्व ग्राम बलरामपुरा उर्फ खेजड़ों का बास, झालानाचोड़, देवरी, सांगानेर, सुखालपुरा और मान्यावास उर्फ नन्दकिशोरपुरा के अन्तर्गत आने वाले क्षेत्र जिसमें राजस्थान आवासन मण्डल की मानसरोवर कॉलोनी शामिल हैं।

[सं. एस-38013/68/2005-एसएस-1]

के० सी० जैन०, निदेशक

New Delhi, the 27th December, 2005

S.O. 99.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employee's State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into Force) and Chapter-V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act, shall come into force in the following areas in the State of Rajasthan, namely:—

“The areas comprising the revenue villages Balrampura alias Khejron Ka Bass, Jhalana Chod, devari, Sanganer, Sukhalpura and manyawas alias Nand Kishorpura of Tehsil Sanganer in Distt. Jaipur which includes Mansarover Colony of Rajasthan Housing Board.”

[No. S-38013/68/2005-SS-1]

K. C. JAIN, Director